

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 545

Representatives McClain, Miller, M.

Cosponsors: Representatives Creech, Gross, Fowler Arthur, Klopfenstein

A BILL

To amend sections 3701.351, 4723.01, 4723.02, 1
4723.03, 4723.06, 4723.07, 4723.08, 4723.271, 2
4723.28, 4723.282, 4723.33, 4723.34, 4723.341, 3
4723.35, 4723.41, 4723.43, 4723.431, 4723.432, 4
4723.481, 4723.483, 4723.487, 4723.488, 5
4723.4810, 4723.4811, 4723.50, 4723.91, 4723.99, 6
4731.22, and 4731.27 and to enact sections 7
4723.53, 4723.54, 4723.55, 4723.551, 4723.56, 8
4723.57, 4723.58, 4723.581, 4723.582, 4723.583, 9
4723.584, 4723.59, 4723.60, 4724.01, 4724.02, 10
4724.03, 4724.04, 4724.05, 4724.06, 4724.07, 11
4724.08, 4724.09, 4724.10, 4724.11, 4724.12, 12
4724.13, and 4724.99 of the Revised Code to 13
regulate the practice of certified nurse- 14
midwives, certified midwives, and licensed 15
midwives. 16

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

Section 1. That sections 3701.351, 4723.01, 4723.02, 17
4723.03, 4723.06, 4723.07, 4723.08, 4723.271, 4723.28, 4723.282, 18
4723.33, 4723.34, 4723.341, 4723.35, 4723.41, 4723.43, 4723.431, 19

4723.432, 4723.481, 4723.483, 4723.487, 4723.488, 4723.4810, 20
4723.4811, 4723.50, 4723.91, 4723.99, 4731.22, and 4731.27 be 21
amended and sections 4723.53, 4723.54, 4723.55, 4723.551, 22
4723.56, 4723.57, 4723.58, 4723.581, 4723.582, 4723.583, 23
4723.584, 4723.59, 4723.60, 4724.01, 4724.02, 4724.03, 4724.04, 24
4724.05, 4724.06, 4724.07, 4724.08, 4724.09, 4724.10, 4724.11, 25
4724.12, 4724.13, and 4724.99 of the Revised Code be enacted to 26
read as follows: 27

Sec. 3701.351. (A) The governing body of every hospital 28
shall set standards and procedures to be applied by the hospital 29
and its medical staff in considering and acting upon 30
applications for staff membership or professional privileges. 31
These standards and procedures shall be available for public 32
inspection. 33

(B) The governing body of any hospital, in considering and 34
acting upon applications for staff membership or professional 35
privileges within the scope of the applicants' respective 36
licensures, shall not discriminate against a qualified person 37
solely on the basis of whether that person is licensed to 38
practice medicine, osteopathic medicine, or podiatry, is 39
licensed to practice dentistry or psychology, ~~or~~ is licensed to 40
practice nursing as an advanced practice registered nurse, or is 41
licensed to practice as a certified midwife or licensed midwife. 42
Staff membership or professional privileges shall be considered 43
and acted on in accordance with standards and procedures 44
established under division (A) of this section. This section 45
does not permit a psychologist to admit a patient to a hospital 46
in violation of section 3727.06 of the Revised Code. 47

(C) The governing body of any hospital that provides 48
maternity services, in considering and acting upon applications 49

for clinical privileges, shall not discriminate against a 50
qualified person solely on the basis that the person is 51
authorized to practice nurse-midwifery or midwifery. An 52
application from a certified nurse-midwife or certified midwife 53
who is not employed by the hospital shall contain the name of a 54
physician member of the hospital's medical staff who holds 55
clinical privileges in obstetrics at that hospital and who has 56
agreed to be the collaborating physician for the applicant in 57
accordance with section ~~4723.43~~ 4723.431 of the Revised Code. 58

(D) Any person may apply to the court of common pleas for 59
temporary or permanent injunctions restraining a violation of 60
division (A), (B), or (C) of this section. This action is an 61
additional remedy not dependent on the adequacy of the remedy at 62
law. 63

(E) (1) If a hospital does not provide or permit the 64
provision of any diagnostic or treatment service for mental or 65
emotional disorders or any other service that may be legally 66
performed by a psychologist licensed under Chapter 4732. of the 67
Revised Code, this section does not require the hospital to 68
provide or permit the provision of any such service and the 69
hospital shall be exempt from requirements of this section 70
pertaining to psychologists. 71

(2) This section does not impair the right of a hospital 72
to enter into an employment, personal service, or any other kind 73
of contract with a licensed psychologist, upon any such terms as 74
the parties may mutually agree, for the provision of any service 75
that may be legally performed by a licensed psychologist. 76

Sec. 4723.01. As used in this chapter: 77

(A) "Registered nurse" means an individual who holds a 78

current, valid license issued under this chapter that authorizes	79
the practice of nursing as a registered nurse.	80
(B) "Practice of nursing as a registered nurse" means	81
providing to individuals and groups nursing care requiring	82
specialized knowledge, judgment, and skill derived from the	83
principles of biological, physical, behavioral, social, and	84
nursing sciences. Such nursing care includes:	85
(1) Identifying patterns of human responses to actual or	86
potential health problems amenable to a nursing regimen;	87
(2) Executing a nursing regimen through the selection,	88
performance, management, and evaluation of nursing actions;	89
(3) Assessing health status for the purpose of providing	90
nursing care;	91
(4) Providing health counseling and health teaching;	92
(5) Administering medications, treatments, and executing	93
regimens authorized by an individual who is authorized to	94
practice in this state and is acting within the course of the	95
individual's professional practice;	96
(6) Teaching, administering, supervising, delegating, and	97
evaluating nursing practice.	98
(C) "Nursing regimen" may include preventative,	99
restorative, and health-promotion activities.	100
(D) "Assessing health status" means the collection of data	101
through nursing assessment techniques, which may include	102
interviews, observation, and physical evaluations for the	103
purpose of providing nursing care.	104
(E) "Licensed practical nurse" means an individual who	105

holds a current, valid license issued under this chapter that 106
authorizes the practice of nursing as a licensed practical 107
nurse. 108

(F) "The practice of nursing as a licensed practical 109
nurse" means providing to individuals and groups nursing care 110
requiring the application of basic knowledge of the biological, 111
physical, behavioral, social, and nursing sciences at the 112
direction of a registered nurse or any of the following who is 113
authorized to practice in this state: a physician, physician 114
assistant, dentist, podiatrist, optometrist, or chiropractor. 115
Such nursing care includes: 116

(1) Observation, patient teaching, and care in a diversity 117
of health care settings; 118

(2) Contributions to the planning, implementation, and 119
evaluation of nursing; 120

(3) Administration of medications and treatments 121
authorized by an individual who is authorized to practice in 122
this state and is acting within the course of the individual's 123
professional practice; 124

(4) Administration to an adult of intravenous therapy 125
authorized by an individual who is authorized to practice in 126
this state and is acting within the course of the individual's 127
professional practice, on the condition that the licensed 128
practical nurse is authorized under section 4723.18 or 4723.181 129
of the Revised Code to perform intravenous therapy and performs 130
intravenous therapy only in accordance with those sections; 131

(5) Delegation of nursing tasks as directed by a 132
registered nurse; 133

(6) Teaching nursing tasks to licensed practical nurses 134

and individuals to whom the licensed practical nurse is 135
authorized to delegate nursing tasks as directed by a registered 136
nurse. 137

(G) "Certified registered nurse anesthetist" means an 138
advanced practice registered nurse who holds a current, valid 139
license issued under this chapter and is designated as a 140
certified registered nurse anesthetist in accordance with 141
section 4723.42 of the Revised Code and rules adopted by the 142
board of nursing. 143

(H) "Clinical nurse specialist" means an advanced practice 144
registered nurse who holds a current, valid license issued under 145
this chapter and is designated as a clinical nurse specialist in 146
accordance with section 4723.42 of the Revised Code and rules 147
adopted by the board of nursing. 148

(I) "Certified nurse-midwife" means an advanced practice 149
registered nurse who holds a current, valid license issued under 150
this chapter and is designated as a certified nurse-midwife in 151
accordance with section 4723.42 of the Revised Code and rules 152
adopted by the board of nursing. A certified nurse-midwife does 153
not include a certified midwife, licensed midwife, or 154
traditional midwife. 155

(J) "Certified nurse practitioner" means an advanced 156
practice registered nurse who holds a current, valid license 157
issued under this chapter and is designated as a certified nurse 158
practitioner in accordance with section 4723.42 of the Revised 159
Code and rules adopted by the board of nursing. 160

(K) "Physician" means an individual authorized under 161
Chapter 4731. of the Revised Code to practice medicine and 162
surgery or osteopathic medicine and surgery. 163

(L) "Collaboration" or "collaborating" means the 164
following: 165

(1) In the case of a clinical nurse specialist or a 166
certified nurse practitioner, that one or more podiatrists 167
acting within the scope of practice of podiatry in accordance 168
with section 4731.51 of the Revised Code and with whom the nurse 169
has entered into a standard care arrangement or one or more 170
physicians with whom the nurse has entered into a standard care 171
arrangement are continuously available to communicate with the 172
clinical nurse specialist or certified nurse practitioner either 173
in person or by electronic communication; 174

(2) In the case of a certified nurse-midwife or certified 175
midwife, that one or more physicians with whom the certified 176
nurse-midwife or certified midwife has entered into a standard 177
care arrangement are continuously available to communicate with 178
the certified nurse-midwife or certified midwife either in 179
person or by electronic communication. 180

(M) "Supervision," as it pertains to a certified 181
registered nurse anesthetist, means that the certified 182
registered nurse anesthetist is under the direction of a 183
podiatrist acting within the podiatrist's scope of practice in 184
accordance with section 4731.51 of the Revised Code, a dentist 185
acting within the dentist's scope of practice in accordance with 186
Chapter 4715. of the Revised Code, or a physician, and, when 187
administering anesthesia, the certified registered nurse 188
anesthetist is in the immediate presence of the podiatrist, 189
dentist, or physician. 190

(N) "Standard care arrangement" means a written, formal 191
guide for planning and evaluating a patient's health care that 192
is developed by one or more collaborating physicians or 193

podiatrists and a clinical nurse specialist, certified nurse- 194
midwife, certified midwife, or certified nurse practitioner and 195
meets the requirements of section 4723.431 of the Revised Code. 196

(O) "Advanced practice registered nurse" means an 197
individual who holds a current, valid license issued under this 198
chapter that authorizes the practice of nursing as an advanced 199
practice registered nurse and is designated as any of the 200
following: 201

(1) A certified registered nurse anesthetist; 202

(2) A clinical nurse specialist; 203

(3) A certified nurse-midwife; 204

(4) A certified nurse practitioner. 205

(P) "Practice of nursing as an advanced practice 206
registered nurse" means providing to individuals and groups 207
nursing care that requires knowledge and skill obtained from 208
advanced formal education, training, and clinical experience. 209
Such nursing care includes the care described in section 4723.43 210
of the Revised Code. 211

(Q) "Dialysis care" means the care and procedures that a 212
dialysis technician or dialysis technician intern is authorized 213
to provide and perform, as specified in section 4723.72 of the 214
Revised Code. 215

(R) "Dialysis technician" means an individual who holds a 216
current, valid certificate to practice as a dialysis technician 217
issued under section 4723.75 of the Revised Code. 218

(S) "Dialysis technician intern" means an individual who 219
has not passed the dialysis technician certification examination 220
required by section 4723.751 of the Revised Code, but who has 221

successfully completed a dialysis training program approved by 222
the board of nursing under section 4723.74 of the Revised Code 223
within the previous eighteen months. 224

(T) "Certified community health worker" means an 225
individual who holds a current, valid certificate as a community 226
health worker issued under section 4723.85 of the Revised Code. 227

(U) "Medication aide" means an individual who holds a 228
current, valid certificate issued under this chapter that 229
authorizes the individual to administer medication in accordance 230
with section 4723.67 of the Revised Code; 231

(V) "Nursing specialty" means a specialty in practice as a 232
certified registered nurse anesthetist, clinical nurse 233
specialist, certified nurse-midwife, or certified nurse 234
practitioner. 235

(W) "Physician assistant" means an individual who is 236
licensed to practice as a physician assistant under Chapter 237
4730. of the Revised Code. 238

(X) "Certified midwife" means an individual who is 239
licensed under section 4723.56 of the Revised Code and engages 240
in one or more of the activities described in that section. A 241
certified midwife does not include a certified nurse-midwife, 242
licensed midwife, or traditional midwife. 243

(Y) "Licensed midwife" has the same meaning as in section 244
4724.01 of the Revised Code. A licensed midwife does not include 245
a certified nurse-midwife, certified midwife, or traditional 246
midwife. 247

(Z) "Traditional midwife" has the same meaning as in 248
section 4724.01 of the Revised Code. 249

Sec. 4723.02. The board of nursing shall assume and 250
exercise all the powers and perform all the duties conferred and 251
imposed on it by this chapter. 252

The board shall consist of ~~thirteen~~fifteen members who 253
shall be citizens of the United States and residents of Ohio. 254
Eight members shall be registered nurses, each of whom shall be 255
a graduate of an approved program of nursing education that 256
prepares persons for licensure as a registered nurse, shall hold 257
a currently active license issued under this chapter to practice 258
nursing as a registered nurse, and shall have been actively 259
engaged in the practice of nursing as a registered nurse for the 260
five years immediately preceding the member's initial 261
appointment to the board. Of the eight members who are 262
registered nurses, at least two shall hold a current, valid 263
license issued under this chapter that authorizes the practice 264
of nursing as an advanced practice registered nurse. Four 265
members shall be licensed practical nurses, each of whom shall 266
be a graduate of an approved program of nursing education that 267
prepares persons for licensure as a practical nurse, shall hold 268
a currently active license issued under this chapter to practice 269
nursing as a licensed practical nurse, and shall have been 270
actively engaged in the practice of nursing as a licensed 271
practical nurse for the five years immediately preceding the 272
member's initial appointment to the board. Two members shall be 273
a certified nurse-midwife and a certified midwife, with one 274
practicing in an urban setting and the other practicing in a 275
rural setting. One member shall represent the interests of 276
consumers of health care. Neither this member nor any person in 277
the member's immediate family shall be a member of or associated 278
with a health care provider or profession or shall have a 279
financial interest in the delivery or financing of health care. 280

Representation of nursing service and nursing education and of 281
the various geographical areas of the state shall be considered 282
in making appointments. 283

As the term of any member of the board expires, a 284
successor shall be appointed who has the qualifications the 285
vacancy requires. Terms of office shall be for four years, 286
commencing on the first day of January and ending on the thirty- 287
first day of December. 288

A current or former board member who has served not more 289
than one full term or one full term and not more than thirty 290
months of another term may be reappointed for one additional 291
term. 292

Each member shall hold office from the date of appointment 293
until the end of the term for which the member was appointed. 294
The term of a member shall expire if the member ceases to meet 295
any requirement of this section for the member's position on the 296
board. Any member appointed to fill a vacancy occurring prior to 297
the expiration of the term for which the member's predecessor 298
was appointed shall hold office for the remainder of such term. 299
Any member shall continue in office subsequent to the expiration 300
date of the member's term until the member's successor takes 301
office, or until a period of sixty days has elapsed, whichever 302
occurs first. 303

Nursing organizations of this state may each submit to the 304
governor the names of not more than five nominees for each 305
position to be filled on the board. From the names so submitted 306
or from others, at the governor's discretion, the governor with 307
the advice and consent of the senate shall make such 308
appointments. 309

Any member of the board may be removed by the governor for 310
neglect of any duty required by law or for incompetency or 311
unprofessional or dishonorable conduct, after a hearing as 312
provided in Chapter 119. of the Revised Code. 313

~~Seven~~Eight members of the board, including at least four 314
registered nurses and at least one licensed practical nurse, 315
shall at all times constitute a quorum. 316

Each member of the board shall receive an amount fixed 317
pursuant to division (J) of section 124.15 of the Revised Code 318
for each day in attendance at board meetings and in discharge of 319
official duties, and in addition thereto, necessary expense 320
incurred in the performance of such duties. 321

The board shall elect one of its nurse members as 322
president and one as vice-president. The board shall elect one 323
of its registered nurse members to serve as the supervising 324
member for disciplinary matters. 325

The board may establish advisory groups to serve in 326
consultation with the board or the executive director. Each 327
advisory group shall be given a specific charge in writing and 328
shall report to the board. Members of advisory groups shall 329
serve without compensation but shall receive their actual and 330
necessary expenses incurred in the performance of their official 331
duties. 332

Sec. 4723.03. (A) No person shall engage in the practice 333
of nursing as a registered nurse, represent the person as being 334
a registered nurse, or use the title "registered nurse," the 335
initials "R.N.," or any other title implying that the person is 336
a registered nurse, for a fee, salary, or other consideration, 337
or as a volunteer, without holding a current, valid license as a 338

registered nurse under this chapter. 339

(B) No person shall knowingly do any of the following 340
without holding a current, valid license to practice nursing as 341
an advanced practice registered nurse issued under this chapter: 342

(1) Engage in the practice of nursing as an advanced 343
practice registered nurse; 344

(2) Represent the person as being an advanced practice 345
registered nurse; 346

(3) Use the title "advanced practice registered nurse," 347
the initials "A.P.R.N.," or any other title implying that the 348
person is an advanced practice registered nurse, for a fee, 349
salary, or other consideration, or as a volunteer. 350

(C) No person who is not otherwise authorized to do so 351
shall knowingly prescribe or personally furnish drugs or 352
therapeutic devices without holding a current, valid license to 353
practice nursing as an advanced practice registered nurse issued 354
under this chapter and being designated as a clinical nurse 355
specialist, certified nurse-midwife, or certified nurse 356
practitioner under section 4723.42 of the Revised Code; 357

(D) No person shall engage in the practice of nursing as a 358
licensed practical nurse, represent the person as being a 359
licensed practical nurse, or use the title "licensed practical 360
nurse," the initials "L.P.N.," or any other title implying that 361
the person is a licensed practical nurse, for a fee, salary, or 362
other consideration, or as a volunteer, without holding a 363
current, valid license as a practical nurse under this chapter. 364

(E) No person shall use the titles or initials "graduate 365
nurse," "G.N.," "professional nurse," "P.N.," "graduate 366
practical nurse," "G.P.N.," "practical nurse," "P.N.," "trained 367

nurse," "T.N.," or any other statement, title, or initials that 368
would imply or represent to the public that the person is 369
authorized to practice nursing in this state, except as follows: 370

(1) A person licensed under this chapter to practice 371
nursing as a registered nurse may use that title and the 372
initials "R.N."; 373

(2) A person licensed under this chapter to practice 374
nursing as a licensed practical nurse may use that title and the 375
initials "L.P.N."; 376

(3) A person licensed under this chapter to practice 377
nursing as an advanced practice registered nurse and designated 378
as a certified registered nurse anesthetist may use that title 379
or the initials "A.P.R.N.-C.R.N.A."; 380

(4) A person licensed under this chapter to practice 381
nursing as an advanced practice registered nurse and designated 382
as a clinical nurse specialist may use that title or the 383
initials "A.P.R.N.-C.N.S."; 384

(5) A person licensed under this chapter to practice 385
nursing as an advanced practice registered nurse and designated 386
as a certified nurse-midwife may use that title or the initials 387
"A.P.R.N.-C.N.M."; 388

(6) A person licensed under this chapter to practice 389
nursing as an advanced practice registered nurse and designated 390
as a certified nurse practitioner may use that title or the 391
initials "A.P.R.N.-C.N.P."; 392

(7) A person licensed under this chapter to practice 393
nursing as an advanced practice registered nurse may use the 394
title "advanced practice registered nurse" or the initials 395
"A.P.R.N." 396

(F) No person shall employ a person not licensed as a 397
registered nurse under this chapter to engage in the practice of 398
nursing as a registered nurse. 399

No person shall knowingly employ a person not licensed as 400
an advanced practice registered nurse under this chapter to 401
engage in the practice of nursing as an advanced practice 402
registered nurse. 403

No person shall employ a person not licensed as a 404
practical nurse under this chapter to engage in the practice of 405
nursing as a licensed practical nurse. 406

(G) No person shall sell or fraudulently obtain or furnish 407
any nursing diploma, license, certificate, renewal, or record, 408
or aid or abet such acts. 409

(H) (1) No person shall knowingly use the title "certified 410
nurse-midwife" or any other title implying that the person is a 411
certified nurse-midwife without holding a current, valid license 412
as a certified nurse-midwife under this chapter. 413

(2) No person shall knowingly use the title "certified 414
midwife" or any other title implying that the person is a 415
certified midwife without holding a current, valid license as a 416
certified midwife under this chapter. 417

Sec. 4723.06. (A) The board of nursing shall: 418

(1) Administer and enforce the provisions of this chapter, 419
including the taking of disciplinary action for violations of 420
section 4723.28 of the Revised Code, any other provisions of 421
this chapter, or rules adopted under this chapter; 422

(2) Develop criteria that an applicant must meet to be 423
eligible to sit for the examination for licensure to practice as 424

a registered nurse or as a licensed practical nurse; 425

(3) Issue and renew nursing licenses, certified midwife 426
licenses, dialysis technician certificates, medication aide 427
certificates, and community health worker certificates, as 428
provided in this chapter; 429

(4) Define the minimum educational standards for the 430
schools and programs of registered nursing and practical nursing 431
in this state; 432

(5) Survey, inspect, and grant full approval to 433
prelicensure nursing education programs in this state that meet 434
the standards established by rules adopted under section 4723.07 435
of the Revised Code. Prelicensure nursing education programs 436
include, but are not limited to, diploma, associate degree, 437
baccalaureate degree, master's degree, and doctor of nursing 438
programs leading to initial licensure to practice nursing as a 439
registered nurse and practical nurse programs leading to initial 440
licensure to practice nursing as a licensed practical nurse. 441

(6) Grant conditional approval, by a vote of a quorum of 442
the board, to a new prelicensure nursing education program or a 443
program that is being reestablished after having ceased to 444
operate, if the program meets and maintains the minimum 445
standards of the board established by rules adopted under 446
section 4723.07 of the Revised Code. If the board does not grant 447
conditional approval, it shall hold an adjudication under 448
Chapter 119. of the Revised Code to consider conditional 449
approval of the program. If the board grants conditional 450
approval, at the first meeting following completion of the 451
survey process required by division (A) (5) of this section, the 452
board shall determine whether to grant full approval to the 453
program. If the board does not grant full approval or if it 454

appears that the program has failed to meet and maintain 455
standards established by rules adopted under section 4723.07 of 456
the Revised Code, the board shall hold an adjudication under 457
Chapter 119. of the Revised Code to consider the program. Based 458
on results of the adjudication, the board may continue or 459
withdraw conditional approval, or grant full approval. 460

(7) Place on provisional approval, for a period of time 461
specified by the board, a prelicensure nursing education program 462
that has ceased to meet and maintain the minimum standards of 463
the board established by rules adopted under section 4723.07 of 464
the Revised Code. Prior to or at the end of the period, the 465
board shall reconsider whether the program meets the standards 466
and shall grant full approval if it does. If it does not, the 467
board may withdraw approval, pursuant to an adjudication under 468
Chapter 119. of the Revised Code. 469

(8) Approve continuing education programs and courses 470
under standards established in rules adopted under sections 471
4723.07, 4723.69, 4723.79, and 4723.88 of the Revised Code; 472

(9) Establish a substance use disorder monitoring program 473
in accordance with section 4723.35 of the Revised Code; 474

(10) Establish the practice intervention and improvement 475
program in accordance with section 4723.282 of the Revised Code; 476

(11) Grant approval to the course of study in advanced 477
pharmacology and related topics described in section 4723.482 or 478
4723.551 of the Revised Code; 479

(12) Make an annual edition of the exclusionary formulary 480
established in rules adopted under section 4723.50 of the 481
Revised Code available to the public by electronic means and, as 482
soon as possible after any revision of the formulary becomes 483

effective, make the revision available to the public by 484
electronic means; 485

(13) Approve under section 4723.46 of the Revised Code 486
national certifying organizations for examination and licensure 487
of advanced practice registered nurses, which may include 488
separate organizations for each nursing specialty; 489

(14) Provide guidance and make recommendations to the 490
general assembly, the governor, state agencies, and the federal 491
government with respect to the regulation of the practice of 492
nursing and the enforcement of this chapter; 493

(15) Make an annual report to the governor, which shall be 494
open for public inspection; 495

(16) Maintain and have open for public inspection the 496
following records: 497

(a) A record of all its meetings and proceedings; 498

(b) A record of all applicants for, and holders of, 499
licenses and certificates issued by the board under this chapter 500
or in accordance with rules adopted under this chapter. The 501
record shall be maintained in a format determined by the board. 502

(c) A list of education and training programs approved by 503
the board. 504

(17) Deny conditional approval to a new prelicensure 505
nursing education program or a program that is being 506
reestablished after having ceased to operate if the program or a 507
person acting on behalf of the program submits or causes to be 508
submitted to the board false, misleading, or deceptive 509
statements, information, or documentation in the process of 510
applying for approval of the program. If the board proposes to 511

deny approval of the program, it shall do so pursuant to an 512
adjudication conducted under Chapter 119. of the Revised Code. 513

(B) The board may fulfill the requirement of division (A) 514
(8) of this section by authorizing persons who meet the 515
standards established in rules adopted under section 4723.07 of 516
the Revised Code to approve continuing education programs and 517
courses. Persons so authorized shall approve continuing 518
education programs and courses in accordance with standards 519
established in rules adopted under section 4723.07 of the 520
Revised Code. 521

Persons seeking authorization to approve continuing 522
education programs and courses shall apply to the board and pay 523
the appropriate fee established under section 4723.08 of the 524
Revised Code. Authorizations to approve continuing education 525
programs and courses shall expire and may be renewed according 526
to the schedule established in rules adopted under section 527
4723.07 of the Revised Code. 528

In addition to approving continuing education programs 529
under division (A) (8) of this section, the board may sponsor 530
continuing education activities that are directly related to the 531
statutes and rules the board enforces. 532

(C) (1) The board may deny conditional approval to a new 533
prelicensure nursing education program or program that is being 534
reestablished after having ceased to operate if the program is 535
controlled by a person who controls or has controlled a program 536
that had its approval withdrawn, revoked, suspended, or 537
restricted by the board or a board of another jurisdiction that 538
is a member of the national council of state boards of nursing. 539
If the board proposes to deny approval, it shall do so pursuant 540
to an adjudication conducted under Chapter 119. of the Revised 541

Code.	542
(2) As used in this division, "control" means any of the following:	543 544
(a) Holding fifty per cent or more of the outstanding voting securities or membership interest of a prelicensure nursing education program;	545 546 547
(b) In the case of an unincorporated prelicensure nursing education program, having the right to fifty per cent or more of the program's profits or in the event of a dissolution, fifty per cent or more of the program's assets;	548 549 550 551
(c) In the case of a prelicensure nursing education program that is a for-profit or not-for-profit corporation, having the contractual authority presently to designate fifty per cent or more of its directors;	552 553 554 555
(d) In the case of a prelicensure nursing education program that is a trust, having the contractual authority presently to designate fifty per cent or more of its trustees;	556 557 558
(e) Having the authority to direct the management, policies, or investments of a prelicensure nursing education program.	559 560 561
(D) (1) When an action taken by the board under division (A) (6), (7), or (17) or (C) (1) of this section is required to be taken pursuant to an adjudication conducted under Chapter 119. of the Revised Code, the board may, in lieu of an adjudication hearing, enter into a consent agreement to resolve the matter. A consent agreement, when ratified by a vote of a quorum of the board, constitutes the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and	562 563 564 565 566 567 568 569 570

findings contained in the agreement are of no effect. 571

(2) In any instance in which the board is required under 572
Chapter 119. of the Revised Code to give notice to a person 573
seeking approval of a prelicensure nursing education program of 574
an opportunity for a hearing and the person does not make a 575
timely request for a hearing in accordance with section 119.07 576
of the Revised Code, the board is not required to hold a 577
hearing, but may adopt, by a vote of a quorum, a final order 578
that contains the board's findings. 579

(3) When the board denies or withdraws approval of a 580
prelicensure nursing education program, the board may specify 581
that its action is permanent. A program subject to a permanent 582
action taken by the board is forever ineligible for approval and 583
the board shall not accept an application for the program's 584
reinstatement or approval. 585

Sec. 4723.07. In accordance with Chapter 119. of the 586
Revised Code, the board of nursing shall adopt and may amend and 587
rescind rules that establish all of the following: 588

(A) Provisions for the board's government and control of 589
its actions and business affairs; 590

(B) Subject to section 4723.072 of the Revised Code, 591
minimum standards for nursing education programs that prepare 592
graduates to be licensed under this chapter and procedures for 593
granting, renewing, and withdrawing approval of those programs; 594

(C) Criteria that applicants for licensure must meet to be 595
eligible to take examinations for licensure; 596

(D) Standards and procedures for renewal of the licenses 597
and certificates issued by the board; 598

(E) Standards for approval of continuing nursing education programs and courses for registered nurses, advanced practice registered nurses, and licensed practical nurses. The standards may provide for approval of continuing nursing education programs and courses that have been approved by other state boards of nursing or by national accreditation systems for nursing, including, but not limited to, the American nurses' credentialing center and the national association for practical nurse education and service.	599 600 601 602 603 604 605 606 607
(F) Standards that persons must meet to be authorized by the board to approve continuing education programs and courses and a schedule by which that authorization expires and may be renewed;	608 609 610 611
(G) Requirements, including continuing education requirements, for reactivating inactive licenses or certificates, and for reinstating licenses or certificates that have lapsed;	612 613 614 615
(H) Conditions that may be imposed for reinstatement of a license or certificate following action taken under section 3123.47, 4723.28, 4723.281, 4723.652, or 4723.86 of the Revised Code resulting in a license or certificate suspension;	616 617 618 619
(I) Criteria for evaluating the qualifications of an applicant for a license to practice nursing as a registered nurse, a license to practice nursing as an advanced practice registered nurse, or a license to practice nursing as a licensed practical nurse for the purpose of issuing the license by the board's endorsement of the applicant's authority to practice issued by the licensing agency of another state;	620 621 622 623 624 625 626
(J) Universal and standard precautions that shall be used	627

by each licensee or certificate holder. The rules shall define 628
and establish requirements for universal and standard 629
precautions that include the following: 630

(1) Appropriate use of hand washing; 631

(2) Disinfection and sterilization of equipment; 632

(3) Handling and disposal of needles and other sharp 633
instruments; 634

(4) Wearing and disposal of gloves and other protective 635
garments and devices. 636

(K) Quality assurance standards for advanced practice 637
registered nurses; 638

(L) Additional criteria for the standard care arrangement 639
required by section 4723.431 of the Revised Code entered into by 640
a certified midwife, clinical nurse specialist, certified nurse- 641
midwife, or certified nurse practitioner and the nurse's 642
collaborating physician or podiatrist; 643

(M) For purposes of division (B) (31) of section 4723.28 of 644
the Revised Code, the actions, omissions, or other circumstances 645
that constitute failure to establish and maintain professional 646
boundaries with a patient; 647

(N) Standards and procedures for delegation under section 648
4723.48 of the Revised Code of the authority to administer 649
drugs. 650

The board may adopt other rules necessary to carry out the 651
provisions of this chapter. The rules shall be adopted in 652
accordance with Chapter 119. of the Revised Code. 653

Sec. 4723.08. (A) The board of nursing may impose fees not 654

to exceed the following limits: 655

(1) For application for licensure by examination or 656
endorsement to practice nursing as a registered nurse or as a 657
licensed practical nurse submitted under division (A) or (B) of 658
section 4723.09 of the Revised Code, seventy-five dollars; 659

(2) For application for licensure to practice nursing as 660
an advanced practice registered nurse submitted under division 661
(A) or (B) (2) of section 4723.41 of the Revised Code, one 662
hundred fifty dollars; 663

(3) For application for a dialysis technician certificate, 664
the amount specified in rules adopted under section 4723.79 of 665
the Revised Code; 666

(4) For providing, pursuant to division (B) of section 667
4723.271 of the Revised Code, written verification of a nursing 668
license, dialysis technician certificate, medication aide 669
certificate, or community health worker certificate to another 670
jurisdiction, fifteen dollars; 671

(5) For providing, pursuant to division (A) of section 672
4723.271 of the Revised Code, a replacement copy of a wall 673
certificate suitable for framing as described in that division, 674
twenty-five dollars; 675

(6) For renewal of a license to practice as a registered 676
nurse or licensed practical nurse, sixty-five dollars; 677

(7) For renewal of a license to practice as an advanced 678
practice registered nurse, one hundred thirty-five dollars; 679

(8) For renewal of a dialysis technician certificate, the 680
amount specified in rules adopted under section 4723.79 of the 681
Revised Code; 682

(9) For processing a late application for renewal of a nursing license or dialysis technician certificate, fifty dollars;	683 684 685
(10) For application for authorization to approve continuing education programs and courses from an applicant accredited by a national accreditation system for nursing, five hundred dollars;	686 687 688 689
(11) For application for authorization to approve continuing education programs and courses from an applicant not accredited by a national accreditation system for nursing, one thousand dollars;	690 691 692 693
(12) For each year for which authorization to approve continuing education programs and courses is renewed, one hundred fifty dollars;	694 695 696
(13) For application for approval to operate a dialysis training program, the amount specified in rules adopted under section 4723.79 of the Revised Code;	697 698 699
(14) For reinstatement of a lapsed license or certificate issued under this chapter, one hundred dollars except as provided in section 5903.10 of the Revised Code;	700 701 702
(15) For processing a check returned to the board by a financial institution, twenty-five dollars;	703 704
(16) The amounts specified in rules adopted under section 4723.88 of the Revised Code pertaining to the issuance of certificates to community health workers, including fees for application for a certificate, renewal of a certificate, processing a late application for renewal of a certificate, reinstatement of a lapsed certificate, application for approval of a community health worker training program for community	705 706 707 708 709 710 711

health workers, and renewal of the approval of a training 712
program for community health workers; 713

(17) For application for licensure to practice as a 714
certified midwife, forty-five dollars; 715

(18) For renewal of a license to practice as a certified 716
midwife, twenty dollars. 717

(B) Each quarter, for purposes of transferring funds under 718
section 4743.05 of the Revised Code to the nurse education 719
assistance fund created in section 3333.28 of the Revised Code, 720
the board of nursing shall certify to the director of budget and 721
management the number of licenses renewed under this chapter 722
during the preceding quarter and the amount equal to that number 723
times five dollars. 724

(C) The board may charge a participant in a board- 725
sponsored continuing education activity an amount not exceeding 726
fifteen dollars for each activity. 727

(D) The board may contract for services pertaining to the 728
process of providing written verification of a license or 729
certificate when the verification is performed for purposes 730
other than providing verification to another jurisdiction. The 731
contract may include provisions pertaining to the collection of 732
the fee charged for providing the written verification. As part 733
of these provisions, the board may permit the contractor to 734
retain a portion of the fees as compensation, before any amounts 735
are deposited into the state treasury. 736

Sec. 4723.271. (A) Upon request of the holder of a nursing 737
license, certified midwife license, dialysis technician 738
certificate, medication aide certificate, or community health 739
worker certificate issued under this chapter, the presentment of 740

proper identification as prescribed in rules adopted by the 741
board of nursing, and payment of the fee authorized under 742
section 4723.08 of the Revised Code, the board of nursing shall 743
provide to the requestor a replacement copy of a wall 744
certificate suitable for framing. 745

(B) Upon request of the holder of a nursing license, 746
certified midwife license, volunteer's certificate, dialysis 747
technician certificate, medication aide certificate, or 748
community health worker certificate issued under this chapter 749
and payment of the fee authorized under section 4723.08 of the 750
Revised Code, the board shall verify to an agency of another 751
jurisdiction or foreign country the fact that the person holds 752
such nursing license, certified midwife license, volunteer's 753
certificate, dialysis technician certificate, medication aide 754
certificate, or community health worker certificate. 755

Sec. 4723.28. (A) The board of nursing, by a vote of a 756
quorum, may impose one or more of the following sanctions if it 757
finds that a person committed fraud in passing an examination 758
required to obtain a license or dialysis technician certificate 759
issued by the board or to have committed fraud, 760
misrepresentation, or deception in applying for or securing any 761
nursing license, certified midwife license, or dialysis 762
technician certificate issued by the board: deny, revoke, 763
suspend, or place restrictions on any nursing license, certified 764
midwife license, or dialysis technician certificate issued by 765
the board; reprimand or otherwise discipline a holder of a 766
nursing license, certified midwife license, or dialysis 767
technician certificate; or impose a fine of not more than five 768
hundred dollars per violation. 769

(B) Except as provided in section 4723.092 of the Revised 770

Code, the board of nursing, by a vote of a quorum, may impose 771
one or more of the following sanctions: deny, revoke, suspend, 772
or place restrictions on any nursing license, certified midwife 773
license, or dialysis technician certificate issued by the board; 774
reprimand or otherwise discipline a holder of a nursing license, 775
certified midwife license, or dialysis technician certificate; 776
or impose a fine of not more than five hundred dollars per 777
violation. The sanctions may be imposed for any of the 778
following: 779

(1) Denial, revocation, suspension, or restriction of 780
authority to engage in a licensed profession or practice a 781
health care occupation, including nursing, or practice as a 782
certified midwife or dialysis technician, for any reason other 783
than a failure to renew, in Ohio or another state or 784
jurisdiction; 785

(2) Engaging in the practice of nursing or engaging in 786
practice as a certified midwife or dialysis technician, having 787
failed to renew a nursing license, certified midwife license, or 788
dialysis technician certificate issued under this chapter, or 789
while a nursing license, certified midwife license, or dialysis 790
technician certificate is under suspension; 791

(3) Conviction of, a plea of guilty to, a judicial finding 792
of guilt of, a judicial finding of guilt resulting from a plea 793
of no contest to, or a judicial finding of eligibility for a 794
pretrial diversion or similar program or for intervention in 795
lieu of conviction for, a misdemeanor committed in the course of 796
practice; 797

(4) Conviction of, a plea of guilty to, a judicial finding 798
of guilt of, a judicial finding of guilt resulting from a plea 799
of no contest to, or a judicial finding of eligibility for a 800

pretrial diversion or similar program or for intervention in 801
lieu of conviction for, any felony or of any crime involving 802
gross immorality or moral turpitude; 803

(5) Selling, giving away, or administering drugs or 804
therapeutic devices for other than legal and legitimate 805
therapeutic purposes; or conviction of, a plea of guilty to, a 806
judicial finding of guilt of, a judicial finding of guilt 807
resulting from a plea of no contest to, or a judicial finding of 808
eligibility for a pretrial diversion or similar program or for 809
intervention in lieu of conviction for, violating any municipal, 810
state, county, or federal drug law; 811

(6) Conviction of, a plea of guilty to, a judicial finding 812
of guilt of, a judicial finding of guilt resulting from a plea 813
of no contest to, or a judicial finding of eligibility for a 814
pretrial diversion or similar program or for intervention in 815
lieu of conviction for, an act in another jurisdiction that 816
would constitute a felony or a crime of moral turpitude in Ohio; 817

(7) Conviction of, a plea of guilty to, a judicial finding 818
of guilt of, a judicial finding of guilt resulting from a plea 819
of no contest to, or a judicial finding of eligibility for a 820
pretrial diversion or similar program or for intervention in 821
lieu of conviction for, an act in the course of practice in 822
another jurisdiction that would constitute a misdemeanor in 823
Ohio; 824

(8) Self-administering or otherwise taking into the body 825
any dangerous drug, as defined in section 4729.01 of the Revised 826
Code, in any way that is not in accordance with a legal, valid 827
prescription issued for that individual, or self-administering 828
or otherwise taking into the body any drug that is a schedule I 829
controlled substance; 830

- (9) Habitual or excessive use of controlled substances, 831
other habit-forming drugs, or alcohol or other chemical 832
substances to an extent that impairs the individual's ability to 833
provide safe nursing care, safe care as a certified midwife, or 834
safe dialysis care; 835
- (10) Impairment of the ability to practice according to 836
acceptable and prevailing standards of safe nursing care, safe 837
care as a certified midwife, or safe dialysis care because of 838
the use of drugs, alcohol, or other chemical substances; 839
- (11) Impairment of the ability to practice according to 840
acceptable and prevailing standards of safe nursing care, safe 841
care as a certified midwife, or safe dialysis care because of a 842
physical or mental disability; 843
- (12) Assaulting or causing harm to a patient or depriving 844
a patient of the means to summon assistance; 845
- (13) Misappropriation or attempted misappropriation of 846
money or anything of value in the course of practice; 847
- (14) Adjudication by a probate court of being mentally ill 848
or mentally incompetent. The board may reinstate the person's 849
nursing license, certified midwife license, or dialysis 850
technician certificate upon adjudication by a probate court of 851
the person's restoration to competency or upon submission to the 852
board of other proof of competency. 853
- (15) The suspension or termination of employment by the 854
United States department of defense or department of veterans 855
affairs for any act that violates or would violate this chapter; 856
- (16) Violation of this chapter or any rules adopted under 857
it; 858

(17) Violation of any restrictions placed by the board on a nursing license, <u>certified midwife license</u> , or dialysis technician certificate;	859 860 861
(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;	862 863 864
(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care, <u>safe care as a certified midwife</u> , or safe dialysis care;	865 866 867
(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;	868 869 870
(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;	871 872 873
(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;	874 875 876
(23) Aiding and abetting a person in that person's practice of nursing <u>or as a certified midwife</u> without a license or practice as a dialysis technician without a certificate issued under this chapter;	877 878 879 880
(24) In the case of an advanced practice registered nurse, except as provided in division (M) of this section, either of the following:	881 882 883
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing	884 885 886

services, would otherwise be required to pay if the waiver is 887
used as an enticement to a patient or group of patients to 888
receive health care services from that provider; 889

(b) Advertising that the nurse will waive the payment of 890
all or any part of a deductible or copayment that a patient, 891
pursuant to a health insurance or health care policy, contract, 892
or plan that covers such nursing services, would otherwise be 893
required to pay. 894

(25) Failure to comply with the terms and conditions of 895
participation in the substance use disorder monitoring program 896
established under section 4723.35 of the Revised Code; 897

(26) Failure to comply with the terms and conditions 898
required under the practice intervention and improvement program 899
established under section 4723.282 of the Revised Code; 900

(27) In the case of an advanced practice registered nurse: 901

(a) Engaging in activities that exceed those permitted for 902
the nurse's nursing specialty under section 4723.43 of the 903
Revised Code; 904

(b) Failure to meet the quality assurance standards 905
established under section 4723.07 of the Revised Code. 906

(28) In the case of an advanced practice registered nurse 907
other than a certified registered nurse anesthetist, failure to 908
maintain a standard care arrangement in accordance with section 909
4723.431 of the Revised Code or to practice in accordance with 910
the standard care arrangement; 911

(29) In the case of an advanced practice registered nurse 912
who is designated as a clinical nurse specialist, certified 913
nurse-midwife, or certified nurse practitioner, failure to 914

prescribe drugs and therapeutic devices in accordance with 915
section 4723.481 of the Revised Code; 916

(30) Prescribing any drug or device to perform or induce 917
an abortion, or otherwise performing or inducing an abortion; 918

(31) Failure to establish and maintain professional 919
boundaries with a patient, as specified in rules adopted under 920
section 4723.07 of the Revised Code; 921

(32) Regardless of whether the contact or verbal behavior 922
is consensual, engaging with a patient other than the spouse of 923
the registered nurse, licensed practical nurse, certified 924
midwife, or dialysis technician in any of the following: 925

(a) Sexual contact, as defined in section 2907.01 of the 926
Revised Code; 927

(b) Verbal behavior that is sexually demeaning to the 928
patient or may be reasonably interpreted by the patient as 929
sexually demeaning. 930

(33) Assisting suicide, as defined in section 3795.01 of 931
the Revised Code; 932

(34) Failure to comply with the requirements in section 933
3719.061 of the Revised Code before issuing for a minor a 934
prescription for an opioid analgesic, as defined in section 935
3719.01 of the Revised Code; 936

(35) Failure to comply with section 4723.487 of the 937
Revised Code, unless the state board of pharmacy no longer 938
maintains a drug database pursuant to section 4729.75 of the 939
Revised Code; 940

(36) The revocation, suspension, restriction, reduction, 941
or termination of clinical privileges by the United States 942

department of defense or department of veterans affairs or the 943
termination or suspension of a certificate of registration to 944
prescribe drugs by the drug enforcement administration of the 945
United States department of justice; 946

(37) In the case of an advanced practice registered nurse 947
who is designated as a clinical nurse specialist, certified 948
nurse-midwife, or certified nurse practitioner, failure to 949
comply with the terms of a consult agreement entered into with a 950
pharmacist pursuant to section 4729.39 of the Revised Code; 951

(38) In the case of a certified midwife: 952

(a) Engaging in activities that exceed those permitted 953
under section 4723.57 of the Revised Code; 954

(b) Failure to prescribe drugs and therapeutic devices in 955
accordance with section 4723.481 of the Revised Code; 956

(c) Failure to maintain a standard care arrangement in 957
accordance with section 4723.431 of the Revised Code or to 958
practice in accordance with the standard care arrangement. 959

(C) Disciplinary actions taken by the board under 960
divisions (A) and (B) of this section shall be taken pursuant to 961
an adjudication conducted under Chapter 119. of the Revised 962
Code, except that in lieu of a hearing, the board may enter into 963
a consent agreement with an individual to resolve an allegation 964
of a violation of this chapter or any rule adopted under it. A 965
consent agreement, when ratified by a vote of a quorum, shall 966
constitute the findings and order of the board with respect to 967
the matter addressed in the agreement. If the board refuses to 968
ratify a consent agreement, the admissions and findings 969
contained in the agreement shall be of no effect. 970

(D) The hearings of the board shall be conducted in 971

accordance with Chapter 119. of the Revised Code, the board may 972
appoint a hearing examiner, as provided in section 119.09 of the 973
Revised Code, to conduct any hearing the board is authorized to 974
hold under Chapter 119. of the Revised Code. 975

In any instance in which the board is required under 976
Chapter 119. of the Revised Code to give notice of an 977
opportunity for a hearing and the applicant, licensee, or 978
certificate holder does not make a timely request for a hearing 979
in accordance with section 119.07 of the Revised Code, the board 980
is not required to hold a hearing, but may adopt, by a vote of a 981
quorum, a final order that contains the board's findings. In the 982
final order, the board may order any of the sanctions listed in 983
division (A) or (B) of this section. 984

(E) If a criminal action is brought against a registered 985
nurse, licensed practical nurse, certified midwife, or dialysis 986
technician for an act or crime described in divisions (B) (3) to 987
(7) of this section and the action is dismissed by the trial 988
court other than on the merits, the board shall conduct an 989
adjudication to determine whether the registered nurse, licensed 990
practical nurse, certified midwife, or dialysis technician 991
committed the act on which the action was based. If the board 992
determines on the basis of the adjudication that the registered 993
nurse, licensed practical nurse, certified midwife, or dialysis 994
technician committed the act, or if the registered nurse, 995
licensed practical nurse, certified midwife, or dialysis 996
technician fails to participate in the adjudication, the board 997
may take action as though the registered nurse, licensed 998
practical nurse, certified midwife, or dialysis technician had 999
been convicted of the act. 1000

If the board takes action on the basis of a conviction, 1001

plea, or a judicial finding as described in divisions (B) (3) to 1002
(7) of this section that is overturned on appeal, the registered 1003
nurse, licensed practical nurse, certified midwife, or dialysis 1004
technician may, on exhaustion of the appeal process, petition 1005
the board for reconsideration of its action. On receipt of the 1006
petition and supporting court documents, the board shall 1007
temporarily rescind its action. If the board determines that the 1008
decision on appeal was a decision on the merits, it shall 1009
permanently rescind its action. If the board determines that the 1010
decision on appeal was not a decision on the merits, it shall 1011
conduct an adjudication to determine whether the registered 1012
nurse, licensed practical nurse, certified midwife, or dialysis 1013
technician committed the act on which the original conviction, 1014
plea, or judicial finding was based. If the board determines on 1015
the basis of the adjudication that the registered nurse, 1016
licensed practical nurse, certified midwife, or dialysis 1017
technician committed such act, or if the registered nurse, 1018
licensed practical nurse, certified midwife, or dialysis 1019
technician does not request an adjudication, the board shall 1020
reinstate its action; otherwise, the board shall permanently 1021
rescind its action. 1022

Notwithstanding the provision of division (D) (2) of 1023
section 2953.32 or division (F) (1) of section 2953.39 of the 1024
Revised Code specifying that if records pertaining to a criminal 1025
case are sealed or expunged under that section the proceedings 1026
in the case shall be deemed not to have occurred, sealing or 1027
expungement of the following records on which the board has 1028
based an action under this section shall have no effect on the 1029
board's action or any sanction imposed by the board under this 1030
section: records of any conviction, guilty plea, judicial 1031
finding of guilt resulting from a plea of no contest, or a 1032

judicial finding of eligibility for a pretrial diversion program 1033
or intervention in lieu of conviction. 1034

The board shall not be required to seal, destroy, redact, 1035
or otherwise modify its records to reflect the court's sealing 1036
or expungement of conviction records. 1037

(F) The board may investigate an individual's criminal 1038
background in performing its duties under this section. As part 1039
of such investigation, the board may order the individual to 1040
submit, at the individual's expense, a request to the bureau of 1041
criminal identification and investigation for a criminal records 1042
check and check of federal bureau of investigation records in 1043
accordance with the procedure described in section 4723.091 of 1044
the Revised Code. 1045

(G) During the course of an investigation conducted under 1046
this section, the board may compel any registered nurse, 1047
licensed practical nurse, certified midwife, or dialysis 1048
technician or applicant under this chapter to submit to a mental 1049
or physical examination, or both, as required by the board and 1050
at the expense of the individual, if the board finds reason to 1051
believe that the individual under investigation may have a 1052
physical or mental impairment that may affect the individual's 1053
ability to provide safe nursing care. Failure of any individual 1054
to submit to a mental or physical examination when directed 1055
constitutes an admission of the allegations, unless the failure 1056
is due to circumstances beyond the individual's control, and a 1057
default and final order may be entered without the taking of 1058
testimony or presentation of evidence. 1059

If the board finds that an individual is impaired, the 1060
board shall require the individual to submit to care, 1061
counseling, or treatment approved or designated by the board, as 1062

a condition for initial, continued, reinstated, or renewed 1063
authority to practice. The individual shall be afforded an 1064
opportunity to demonstrate to the board that the individual can 1065
begin or resume the individual's occupation in compliance with 1066
acceptable and prevailing standards of care under the provisions 1067
of the individual's authority to practice. 1068

For purposes of this division, any registered nurse, 1069
licensed practical nurse, certified midwife, or dialysis 1070
technician or applicant under this chapter shall be deemed to 1071
have given consent to submit to a mental or physical examination 1072
when directed to do so in writing by the board, and to have 1073
waived all objections to the admissibility of testimony or 1074
examination reports that constitute a privileged communication. 1075

(H) The board shall investigate evidence that appears to 1076
show that any person has violated any provision of this chapter 1077
or any rule of the board. Any person may report to the board any 1078
information the person may have that appears to show a violation 1079
of any provision of this chapter or rule of the board. In the 1080
absence of bad faith, any person who reports such information or 1081
who testifies before the board in any adjudication conducted 1082
under Chapter 119. of the Revised Code shall not be liable for 1083
civil damages as a result of the report or testimony. 1084

(I) All of the following apply under this chapter with 1085
respect to the confidentiality of information: 1086

(1) Information received by the board pursuant to a 1087
complaint or an investigation is confidential and not subject to 1088
discovery in any civil action, except that the board may 1089
disclose information to law enforcement officers and government 1090
entities for purposes of an investigation of either a licensed 1091
health care professional, including a registered nurse, licensed 1092

practical nurse, certified midwife, or dialysis technician, or a 1093
person who may have engaged in the unauthorized practice of 1094
nursing, certified midwifery, or dialysis care. No law 1095
enforcement officer or government entity with knowledge of any 1096
information disclosed by the board pursuant to this division 1097
shall divulge the information to any other person or government 1098
entity except for the purpose of a government investigation, a 1099
prosecution, or an adjudication by a court or government entity. 1100

(2) If an investigation requires a review of patient 1101
records, the investigation and proceeding shall be conducted in 1102
such a manner as to protect patient confidentiality. 1103

(3) All adjudications and investigations of the board 1104
shall be considered civil actions for the purposes of section 1105
2305.252 of the Revised Code. 1106

(4) Any board activity that involves continued monitoring 1107
of an individual as part of or following any disciplinary action 1108
taken under this section shall be conducted in a manner that 1109
maintains the individual's confidentiality. Information received 1110
or maintained by the board with respect to the board's 1111
monitoring activities is not subject to discovery in any civil 1112
action and is confidential, except that the board may disclose 1113
information to law enforcement officers and government entities 1114
for purposes of an investigation of a licensee or certificate 1115
holder. 1116

(J) Any action taken by the board under this section 1117
resulting in a suspension from practice shall be accompanied by 1118
a written statement of the conditions under which the person may 1119
be reinstated to practice. 1120

(K) When the board refuses to grant a license or 1121

certificate to an applicant, revokes a license or certificate, 1122
or refuses to reinstate a license or certificate, the board may 1123
specify that its action is permanent. An individual subject to 1124
permanent action taken by the board is forever ineligible to 1125
hold a license or certificate of the type that was refused or 1126
revoked and the board shall not accept from the individual an 1127
application for reinstatement of the license or certificate or 1128
for a new license or certificate. 1129

(L) No unilateral surrender of a nursing license, 1130
certified midwife license, or dialysis technician certificate 1131
issued under this chapter shall be effective unless accepted by 1132
majority vote of the board. No application for a nursing 1133
license, certified midwife license, or dialysis technician 1134
certificate issued under this chapter may be withdrawn without a 1135
majority vote of the board. The board's jurisdiction to take 1136
disciplinary action under this section is not removed or limited 1137
when an individual has a license or certificate classified as 1138
inactive or fails to renew a license or certificate. 1139

(M) Sanctions shall not be imposed under division (B) (24) 1140
of this section against any licensee who waives deductibles and 1141
copayments as follows: 1142

(1) In compliance with the health benefit plan that 1143
expressly allows such a practice. Waiver of the deductibles or 1144
copayments shall be made only with the full knowledge and 1145
consent of the plan purchaser, payer, and third-party 1146
administrator. Documentation of the consent shall be made 1147
available to the board upon request. 1148

(2) For professional services rendered to any other person 1149
licensed pursuant to this chapter to the extent allowed by this 1150
chapter and the rules of the board. 1151

Sec. 4723.282. (A) As used in this section, "practice 1152
deficiency" means any activity that does not meet acceptable and 1153
prevailing standards of safe and effective nursing care or 1154
dialysis care or safe and effective care as a certified midwife. 1155

(B) The board of nursing may abstain from taking 1156
disciplinary action under section 4723.28 of the Revised Code 1157
against the holder of a license or certificate issued under this 1158
chapter who has a practice deficiency that has been identified 1159
by the board through an investigation conducted under section 1160
4723.28 of the Revised Code. The board may abstain from taking 1161
action only if the board has reason to believe that the 1162
individual's practice deficiency can be corrected through 1163
remediation, and if the individual enters into an agreement with 1164
the board to seek remediation as prescribed by the board, 1165
complies with the terms and conditions of the remediation, and 1166
successfully completes the remediation. If an individual fails 1167
to complete the remediation or the board determines that 1168
remediation cannot correct the individual's practice deficiency, 1169
the board shall proceed with disciplinary action in accordance 1170
with section 4723.28 of the Revised Code. 1171

(C) To implement its authority under this section to 1172
abstain from taking disciplinary action, the board shall 1173
establish a practice intervention and improvement program. The 1174
board shall designate an administrator to operate the program 1175
and, in accordance with Chapter 119. of the Revised Code, adopt 1176
rules for the program that establish the following: 1177

(1) Criteria for use in identifying an individual's 1178
practice deficiency; 1179

(2) Requirements that an individual must meet to be 1180
eligible for remediation and the board's abstention from 1181

disciplinary action;	1182
(3) Standards and procedures for prescribing remediation	1183
that is appropriate for an individual's identified practice	1184
deficiency;	1185
(4) Terms and conditions that an individual must meet to	1186
be successful in completing the remediation prescribed;	1187
(5) Procedures for the board's monitoring of the	1188
individual's remediation;	1189
(6) Procedures for maintaining confidential records	1190
regarding individuals who participate in remediation;	1191
(7) Any other requirements or procedures necessary to	1192
develop and administer the program.	1193
(D) All records held by the board for purposes of the	1194
program shall be confidential, are not public records for	1195
purposes of section 149.43 of the Revised Code, and are not	1196
subject to discovery by subpoena or admissible as evidence in	1197
any judicial proceeding. The administrator of the program shall	1198
maintain all records in the board's office in accordance with	1199
the board's record retention schedule.	1200
(E) When an individual begins the remediation prescribed	1201
by the board, the individual shall sign a waiver permitting any	1202
entity that provides services related to the remediation to	1203
release to the board information regarding the individual's	1204
progress. An entity that provides services related to	1205
remediation shall report to the board if the individual fails to	1206
complete the remediation or does not make satisfactory progress	1207
in remediation.	1208
In the absence of fraud or bad faith, an entity that	1209

reports to the board regarding an individual's practice 1210
deficiency, or progress or lack of progress in remediation, is 1211
not liable in damages to any person as a result of making the 1212
report. 1213

(F) An individual participating in remediation prescribed 1214
under this section is responsible for all financial obligations 1215
that may arise from obtaining or completing the remediation. 1216

Sec. 4723.33. A registered nurse, licensed practical 1217
nurse, certified midwife, dialysis technician, community health 1218
worker, or medication aide who in good faith makes a report 1219
under this chapter or any other provision of the Revised Code 1220
regarding a violation of this chapter or any other provision of 1221
the Revised Code, or participates in any investigation, 1222
administrative proceeding, or judicial proceeding resulting from 1223
the report, has the full protection against retaliatory action 1224
provided by sections 4113.51 to 4113.53 of the Revised Code. 1225

Sec. 4723.34. (A) A person or governmental entity that 1226
employs, or contracts directly or through another person or 1227
governmental entity for the provision of services by, registered 1228
nurses, licensed practical nurses, nurses holding multistate 1229
licenses to practice registered or licensed practical nursing 1230
issued pursuant to section 4723.11 of the Revised Code, 1231
certified midwives, dialysis technicians, medication aides, or 1232
certified community health workers and that knows or has reason 1233
to believe that a current or former employee or person providing 1234
services under a contract who holds a license or certificate 1235
issued under this chapter engaged in conduct that would be 1236
grounds for disciplinary action by the board of nursing under 1237
this chapter or rules adopted under it shall report to the board 1238
of nursing the name of such current or former employee or person 1239

providing services under a contract. The report shall be made on 1240
the person's or governmental entity's behalf by an individual 1241
licensed by the board who the person or governmental entity has 1242
designated to make such reports. 1243

A prosecutor in a case described in divisions (B) (3) to 1244
(5) of section 4723.28 of the Revised Code, or in a case where 1245
the trial court issued an order of dismissal upon technical or 1246
procedural grounds of a charge of a misdemeanor committed in the 1247
course of practice, a felony charge, or a charge of gross 1248
immorality or moral turpitude, who knows or has reason to 1249
believe that the person charged is licensed under this chapter 1250
to practice nursing as a registered nurse or as a licensed 1251
practical nurse, is licensed under this chapter to practice as a 1252
certified midwife, or holds a certificate issued under this 1253
chapter to practice as a dialysis technician shall notify the 1254
board of nursing of the charge. With regard to certified 1255
community health workers and medication aides, the prosecutor in 1256
a case involving a charge of a misdemeanor committed in the 1257
course of employment, a felony charge, or a charge of gross 1258
immorality or moral turpitude, including a case dismissed on 1259
technical or procedural grounds, who knows or has reason to 1260
believe that the person charged holds a community health worker 1261
or medication aide certificate issued under this chapter shall 1262
notify the board of the charge. 1263

Each notification from a prosecutor shall be made on forms 1264
prescribed and provided by the board. The report shall include 1265
the name and address of the license or certificate holder, the 1266
charge, and the certified court documents recording the action. 1267

(B) If any person or governmental entity fails to provide 1268
a report required by this section, the board may seek an order 1269

from a court of competent jurisdiction compelling submission of 1270
the report. 1271

Sec. 4723.341. (A) As used in this section, "person" has 1272
the same meaning as in section 1.59 of the Revised Code and also 1273
includes the board of nursing and its members and employees; 1274
health care facilities, associations, and societies; insurers; 1275
and individuals. 1276

(B) In the absence of fraud or bad faith, no person 1277
reporting to the board of nursing or testifying in an 1278
adjudication conducted under Chapter 119. of the Revised Code 1279
with regard to alleged incidents of negligence or malpractice or 1280
matters subject to this chapter or sections 3123.41 to 3123.50 1281
of the Revised Code and any applicable rules adopted under 1282
section 3123.63 of the Revised Code shall be subject to either 1283
of the following based on making the report or testifying: 1284

(1) Liability in damages in a civil action for injury, 1285
death, or loss to person or property; 1286

(2) Discipline or dismissal by an employer. 1287

(C) An individual who is disciplined or dismissed in 1288
violation of division (B) (2) of this section has the same rights 1289
and duties accorded an employee under sections 4113.52 and 1290
4113.53 of the Revised Code. 1291

(D) In the absence of fraud or bad faith, no professional 1292
association of registered nurses, advanced practice registered 1293
nurses, licensed practical nurses, certified midwives, dialysis 1294
technicians, community health workers, or medication aides that 1295
sponsors a committee or program to provide peer assistance to 1296
individuals with substance abuse problems, no representative or 1297
agent of such a committee or program, and no member of the board 1298

of nursing shall be liable to any person for damages in a civil 1299
action by reason of actions taken to refer a nurse, certified 1300
midwife, dialysis technician, community health worker, or 1301
medication aide to a treatment provider or actions or omissions 1302
of the provider in treating a nurse, certified midwife, dialysis 1303
technician, community health worker, or medication aide. 1304

Sec. 4723.35. (A) As used in this section, "substance use 1305
disorder" means either of the following: 1306

(1) The chronic and habitual use of alcoholic beverages to 1307
the extent that the user no longer can control the use of 1308
alcohol or endangers the user's health, safety, or welfare or 1309
that of others; 1310

(2) The use of a controlled substance as defined in 1311
section 3719.01 of the Revised Code, a harmful intoxicant as 1312
defined in section 2925.01 of the Revised Code, or a dangerous 1313
drug as defined in section 4729.01 of the Revised Code, to the 1314
extent that the user becomes physically or psychologically 1315
dependent on the substance, intoxicant, or drug or endangers the 1316
user's health, safety, or welfare or that of others. 1317

(B) The board of nursing may abstain from taking 1318
disciplinary action under section 4723.28 or 4723.86 of the 1319
Revised Code against an individual with a substance use disorder 1320
if it finds that the individual can be treated effectively and 1321
there is no impairment of the individual's ability to practice 1322
according to acceptable and prevailing standards of safe care. 1323
The board shall establish a substance use disorder monitoring 1324
program to monitor the registered nurses, licensed practical 1325
nurses, certified midwives, dialysis technicians, and certified 1326
community health workers against whom the board has abstained 1327
from taking action. The board shall either develop the program, 1328

select the program's name, and designate a coordinator to 1329
administer the program or, in the alternative, the board may 1330
contract with a third-party vendor to administer the program. 1331

(C) Determinations regarding an individual's eligibility 1332
for admission to, continued participation in, and successful 1333
completion of the monitoring program shall be made by the 1334
board's supervising member for disciplinary matters in 1335
accordance with rules adopted under division (D) of this 1336
section. 1337

(D) The board shall adopt rules in accordance with Chapter 1338
119. of the Revised Code that establish the following: 1339

(1) Eligibility requirements for admission to and 1340
continued participation in the monitoring program; 1341

(2) Terms and conditions that must be met to participate 1342
in and successfully complete the program; 1343

(3) Procedures for keeping confidential records regarding 1344
participants; 1345

(4) Any other requirements or procedures necessary to 1346
establish and administer the program. 1347

(E) (1) As a condition of being admitted to the monitoring 1348
program, an individual shall surrender to the program 1349
coordinator the license or certificate that the individual 1350
holds. While the surrender is in effect, the individual is 1351
prohibited from engaging in the practice of nursing, engaging in 1352
practice as a certified midwife, engaging in the provision of 1353
dialysis care, or engaging in the provision of services that 1354
were being provided as a certified community health worker. 1355

If the board's supervising member for disciplinary matters 1356

determines that a participant is capable of resuming practice 1357
according to acceptable and prevailing standards of safe care, 1358
the program coordinator shall return the participant's license 1359
or certificate. If the participant violates the terms and 1360
conditions of resumed practice, the coordinator shall require 1361
the participant to surrender the license or certificate as a 1362
condition of continued participation in the program. The 1363
coordinator may require the surrender only on the approval of 1364
the board's supervising member for disciplinary matters. 1365

The surrender of a license or certificate on admission to 1366
the monitoring program or while participating in the program 1367
does not constitute an action by the board under section 4723.28 1368
or 4723.86 of the Revised Code. The participant may rescind the 1369
surrender at any time and the board may proceed by taking action 1370
under section 4723.28 or 4723.86 of the Revised Code. 1371

(2) If the program coordinator or third-party vendor 1372
determines that a participant is significantly out of compliance 1373
with the terms and conditions for participation, the coordinator 1374
or other staff designated by the board shall notify the board's 1375
supervising member for disciplinary matters and the supervising 1376
member shall determine whether to temporarily suspend the 1377
participant's license or certificate. The board shall notify the 1378
participant of the suspension by certified mail sent to the 1379
participant's last known address and shall refer the matter to 1380
the board for formal action under section 4723.28 or 4723.86 of 1381
the Revised Code. 1382

(F) All of the following apply with respect to the 1383
receipt, release, and maintenance of records and information by 1384
the monitoring program: 1385

(1) The program coordinator or third-party vendor shall 1386

maintain all program records in a manner that protects the 1387
confidentiality of the record, and for each participant, shall 1388
retain the records for a period of two years following the 1389
participant's date of successful completion of the program. 1390

(2) When applying to participate in the monitoring 1391
program, the applicant shall sign a waiver permitting the board 1392
to receive and release information necessary to determine 1393
whether the individual is eligible for admission. After being 1394
admitted, the participant shall sign a waiver permitting the 1395
board to receive and release information necessary to determine 1396
whether the individual is eligible for continued participation 1397
in the program. Information that may be necessary for the 1398
board's supervising member for disciplinary matters to determine 1399
eligibility for admission or continued participation in the 1400
monitoring program includes, but is not limited to, information 1401
provided to and by employers, probation officers, law 1402
enforcement agencies, peer assistance programs, health 1403
professionals, and treatment providers. No entity with knowledge 1404
that the information has been provided to the monitoring program 1405
shall divulge that knowledge to any other person. 1406

(3) Except as provided in division (F)(4) of this section, 1407
all records pertaining to an individual's application for or 1408
participation in the monitoring program, including medical 1409
records, treatment records, and mental health records, shall be 1410
confidential. The records are not public records for the 1411
purposes of section 149.43 of the Revised Code and are not 1412
subject to discovery by subpoena or admissible as evidence in 1413
any judicial proceeding. 1414

(4) The board may disclose information regarding a 1415
participant's progress in the program to any person or 1416

government entity that the participant authorizes in writing to 1417
be given the information. In disclosing information under this 1418
division, the board shall not include any information that is 1419
protected under section 5119.27 of the Revised Code or any 1420
federal statute or regulation that provides for the 1421
confidentiality of medical, mental health, or substance abuse 1422
records. 1423

(G) In the absence of fraud or bad faith, the board as a 1424
whole, its individual members, and its employees and 1425
representatives are not liable for damages in any civil action 1426
as a result of disclosing information in accordance with 1427
division (F) (4) of this section. In the absence of fraud or bad 1428
faith, any person reporting to the program with regard to an 1429
individual's substance use disorder, or the progress or lack of 1430
progress of that individual with regard to treatment, is not 1431
liable for damages in any civil action as a result of the 1432
report. 1433

Sec. 4723.41. (A) Each person who desires to practice 1434
nursing as a certified nurse-midwife and has not been authorized 1435
to practice ~~midwifery-nurse-midwifery~~ prior to December 1, 1967, 1436
and each person who desires to practice nursing as a certified 1437
registered nurse anesthetist, clinical nurse specialist, or 1438
certified nurse practitioner shall file with the board of 1439
nursing a written application for a license to practice nursing 1440
as an advanced practice registered nurse and designation in the 1441
desired specialty. The application must be filed, under oath, on 1442
a form prescribed by the board accompanied by the application 1443
fee required by section 4723.08 of the Revised Code. 1444

Except as provided in division (B), (C), or (D) of this 1445
section, at the time of making application, the applicant shall 1446

meet all of the following requirements: 1447

(1) Be a registered nurse; 1448

(2) Submit documentation satisfactory to the board that 1449
the applicant has earned a master's or doctoral degree with a 1450
major in a nursing specialty or in a related field that 1451
qualifies the applicant to sit for the certification examination 1452
of a national certifying organization approved by the board 1453
under section 4723.46 of the Revised Code; 1454

(3) Submit documentation satisfactory to the board of 1455
having passed the certification examination of a national 1456
certifying organization approved by the board under section 1457
4723.46 of the Revised Code to examine and certify, as 1458
applicable, nurse-midwives, registered nurse anesthetists, 1459
clinical nurse specialists, or nurse practitioners; 1460

(4) Submit an affidavit with the application that states 1461
all of the following: 1462

(a) That the applicant is the person named in the 1463
documents submitted under this section and is the lawful 1464
possessor thereof; 1465

(b) The applicant's age, residence, the school at which 1466
the applicant obtained education in the applicant's nursing 1467
specialty, and any other facts that the board requires; 1468

(c) The specialty in which the applicant seeks 1469
designation. 1470

(B) (1) A certified registered nurse anesthetist, clinical 1471
nurse specialist, certified nurse-midwife, or certified nurse 1472
practitioner who is practicing or has practiced as such in 1473
another jurisdiction other than another state may apply for a 1474

license by endorsement to practice nursing as an advanced 1475
practice registered nurse and designation as a certified 1476
registered nurse anesthetist, clinical nurse specialist, 1477
certified nurse-midwife, or certified nurse practitioner in this 1478
state if the nurse meets the requirements set forth in division 1479
(A) of this section or division (B) (2) of this section. 1480

(2) If an applicant who is practicing or has practiced in 1481
another jurisdiction other than another state applies for 1482
designation under division (B) (2) of this section, the 1483
application shall be submitted to the board in the form 1484
prescribed by rules of the board and be accompanied by the 1485
application fee required by section 4723.08 of the Revised Code. 1486
The application shall include evidence that the applicant meets 1487
the requirements of division (B) (2) of this section, holds 1488
authority to practice nursing and is in good standing in another 1489
jurisdiction other than another state granted after meeting 1490
requirements approved by the entity of that jurisdiction that 1491
regulates nurses, and other information required by rules of the 1492
board of nursing. 1493

With respect to the educational requirements and national 1494
certification requirements that an applicant under division (B) 1495
(2) of this section must meet, both of the following apply: 1496

(a) If the applicant is a certified registered nurse 1497
anesthetist, certified nurse-midwife, or certified nurse 1498
practitioner who, on or before December 31, 2000, obtained 1499
certification in the applicant's nursing specialty with a 1500
national certifying organization listed in division (A) (3) of 1501
section 4723.41 of the Revised Code as that division existed 1502
prior to March 20, 2013, or that was at that time approved by 1503
the board under section 4723.46 of the Revised Code, the 1504

applicant must have maintained the certification. The applicant 1505
is not required to have earned a master's or doctoral degree 1506
with a major in a nursing specialty or in a related field that 1507
qualifies the applicant to sit for the certification 1508
examination. 1509

(b) If the applicant is a clinical nurse specialist, one 1510
of the following must apply to the applicant: 1511

(i) On or before December 31, 2000, the applicant obtained 1512
a master's or doctoral degree with a major in a clinical area of 1513
nursing from an educational institution accredited by a national 1514
or regional accrediting organization. The applicant is not 1515
required to have passed a certification examination. 1516

(ii) On or before December 31, 2000, the applicant 1517
obtained a master's or doctoral degree in nursing or a related 1518
field and was certified as a clinical nurse specialist by the 1519
American nurses credentialing center or another national 1520
certifying organization that was at that time approved by the 1521
board under section 4723.46 of the Revised Code. 1522

(3) The board shall grant a license to practice nursing as 1523
an advanced practice registered nurse in accordance with Chapter 1524
4796. of the Revised Code to an applicant if either of the 1525
following applies: 1526

(a) The applicant holds a license in another state. 1527

(b) The applicant has satisfactory work experience, a 1528
government certification, or a private certification as 1529
described in that chapter as an advanced practice registered 1530
nurse in a state that does not issue that license. 1531

(4) The board may grant a nonrenewable temporary permit to 1532
practice nursing as an advanced practice registered nurse to an 1533

applicant for licensure under division (B) (2) or (3) of this 1534
section if the board is satisfied by the evidence that the 1535
applicant holds a valid, unrestricted license in or equivalent 1536
authorization from another jurisdiction. Chapter 4796. of the 1537
Revised Code does not apply to a temporary permit issued under 1538
this division. The temporary permit shall expire at the earlier 1539
of one hundred eighty days after issuance or upon the issuance 1540
of a license under division (B) (2) or (3) of this section. 1541

(C) An applicant who desires to practice nursing as a 1542
certified registered nurse anesthetist, certified nurse-midwife, 1543
or certified nurse practitioner is exempt from the educational 1544
requirements in division (A) (2) of this section if all of the 1545
following are the case: 1546

(1) Before January 1, 2001, the board issued to the 1547
applicant a certificate of authority to practice as a certified 1548
registered nurse anesthetist, certified nurse-midwife, or 1549
certified nurse practitioner; 1550

(2) The applicant submits documentation satisfactory to 1551
the board that the applicant obtained certification in the 1552
applicant's nursing specialty with a national certifying 1553
organization listed in division (A) (3) of section 4723.41 of the 1554
Revised Code as that division existed prior to March 20, 2013, 1555
or that was at that time approved by the board under section 1556
4723.46 of the Revised Code; 1557

(3) The applicant submits documentation satisfactory to 1558
the board that the applicant has maintained the certification 1559
described in division (C) (2) of this section. 1560

(D) An applicant who desires to practice as a clinical 1561
nurse specialist is exempt from the examination requirement in 1562

division (A) (3) of this section if both of the following are the 1563
case: 1564

(1) Before January 1, 2001, the board issued to the 1565
applicant a certificate of authority to practice as a clinical 1566
nurse specialist; 1567

(2) The applicant submits documentation satisfactory to 1568
the board that the applicant earned either of the following: 1569

(a) A master's or doctoral degree with a major in a 1570
clinical area of nursing from an educational institution 1571
accredited by a national or regional accrediting organization; 1572

(b) A master's or doctoral degree in nursing or a related 1573
field and was certified as a clinical nurse specialist by the 1574
American nurses credentialing center or another national 1575
certifying organization that was at that time approved by the 1576
board under section 4723.46 of the Revised Code. 1577

Sec. 4723.43. A certified registered nurse anesthetist, 1578
clinical nurse specialist, certified nurse-midwife, or certified 1579
nurse practitioner may provide to individuals and groups nursing 1580
care that requires knowledge and skill obtained from advanced 1581
formal education and clinical experience. In this capacity as an 1582
advanced practice registered nurse, a certified nurse-midwife is 1583
subject to division (A) of this section, a certified registered 1584
nurse anesthetist is subject to division (B) of this section, a 1585
certified nurse practitioner is subject to division (C) of this 1586
section, and a clinical nurse specialist is subject to division 1587
(D) of this section. 1588

(A) A-Subject to sections 4723.58 to 4723.584 of the 1589
Revised Code, a nurse authorized to practice as a certified 1590
nurse-midwife, in collaboration with one or more physicians, may 1591

provide the management of preventive services and those primary 1592
care services necessary to provide health care to women 1593
anteperatally, intrapartally, postpartally, and gynecologically, 1594
consistent with the nurse's education and certification, and in 1595
accordance with rules adopted by the board of nursing. 1596

No certified nurse-midwife may perform version, ~~deliver~~ 1597
~~breech or face presentation,~~ use forceps, do any obstetric 1598
operation, or treat any other abnormal condition, except in 1599
emergencies. No certified nurse-midwife may deliver breech or 1600
face presentation except in an emergency or as provided in 1601
section 4723.581 of the Revised Code. Division (A) of this 1602
section does not prohibit a certified nurse-midwife from 1603
performing episiotomies or normal vaginal deliveries, or 1604
repairing vaginal tears. A certified nurse-midwife may, in 1605
collaboration with one or more physicians, prescribe drugs and 1606
therapeutic devices in accordance with section 4723.481 of the 1607
Revised Code. A certified nurse-midwife may, in collaboration 1608
with one or more physicians, attend births in hospitals, homes, 1609
medical offices, and freestanding birthing centers and provide 1610
care for normal newborns during the first twenty-eight days of 1611
life. 1612

(B) A nurse authorized to practice as a certified 1613
registered nurse anesthetist, consistent with the nurse's 1614
education and certification and in accordance with rules adopted 1615
by the board, may do the following: 1616

(1) With supervision and in the immediate presence of a 1617
physician, podiatrist, or dentist, administer anesthesia and 1618
perform anesthesia induction, maintenance, and emergence; 1619

(2) With supervision, obtain informed consent for 1620
anesthesia care and perform preanesthetic preparation and 1621

evaluation, postanesthetic preparation and evaluation, 1622
postanesthesia care, and, subject to section 4723.433 of the 1623
Revised Code, clinical support functions; 1624

(3) With supervision and in accordance with section 1625
4723.434 of the Revised Code, engage in the activities described 1626
in division (A) of that section. 1627

The physician, podiatrist, or dentist supervising a 1628
certified registered nurse anesthetist must be actively engaged 1629
in practice in this state. When a certified registered nurse 1630
anesthetist is supervised by a podiatrist, the nurse's scope of 1631
practice is limited to the anesthesia procedures that the 1632
podiatrist has the authority under section 4731.51 of the 1633
Revised Code to perform. A certified registered nurse 1634
anesthetist may not administer general anesthesia under the 1635
supervision of a podiatrist in a podiatrist's office. When a 1636
certified registered nurse anesthetist is supervised by a 1637
dentist, the nurse's scope of practice is limited to the 1638
anesthesia procedures that the dentist has the authority under 1639
Chapter 4715. of the Revised Code to perform. 1640

(C) A nurse authorized to practice as a certified nurse 1641
practitioner, in collaboration with one or more physicians or 1642
podiatrists, may provide preventive and primary care services, 1643
provide services for acute illnesses, and evaluate and promote 1644
patient wellness within the nurse's nursing specialty, 1645
consistent with the nurse's education and certification, and in 1646
accordance with rules adopted by the board. A certified nurse 1647
practitioner may, in collaboration with one or more physicians 1648
or podiatrists, prescribe drugs and therapeutic devices in 1649
accordance with section 4723.481 of the Revised Code. 1650

When a certified nurse practitioner is collaborating with 1651

a podiatrist, the nurse's scope of practice is limited to the 1652
procedures that the podiatrist has the authority under section 1653
4731.51 of the Revised Code to perform. 1654

(D) A nurse authorized to practice as a clinical nurse 1655
specialist, in collaboration with one or more physicians or 1656
podiatrists, may provide and manage the care of individuals and 1657
groups with complex health problems and provide health care 1658
services that promote, improve, and manage health care within 1659
the nurse's nursing specialty, consistent with the nurse's 1660
education and in accordance with rules adopted by the board. A 1661
clinical nurse specialist may, in collaboration with one or more 1662
physicians or podiatrists, prescribe drugs and therapeutic 1663
devices in accordance with section 4723.481 of the Revised Code. 1664

When a clinical nurse specialist is collaborating with a 1665
podiatrist, the nurse's scope of practice is limited to the 1666
procedures that the podiatrist has the authority under section 1667
4731.51 of the Revised Code to perform. 1668

Sec. 4723.431. (A) (1) ~~An~~ A certified midwife or an 1669
advanced practice registered nurse who is designated as a 1670
clinical nurse specialist, certified nurse-midwife, or certified 1671
nurse practitioner may practice only in accordance with a 1672
standard care arrangement entered into with each physician or 1673
podiatrist with whom the certified midwife or nurse 1674
collaborates. A copy of the standard care arrangement shall be 1675
retained on file by the certified midwife's or nurse's employer. 1676
Prior approval of the standard care arrangement by the board of 1677
nursing is not required, but the board may periodically review 1678
it for compliance with this section. 1679

A certified midwife, clinical nurse specialist, certified 1680
nurse-midwife, or certified nurse practitioner may enter into a 1681

standard care arrangement with one or more collaborating 1682
physicians or podiatrists. If a collaborating physician or 1683
podiatrist enters into standard care arrangements with more than 1684
five certified midwives or nurses, the physician or podiatrist 1685
shall not collaborate at the same time with more than five 1686
certified midwives or nurses in the prescribing component of 1687
their practices. 1688

Not later than thirty days after first engaging in the 1689
practice of midwifery as a certified midwife or the practice of 1690
nursing as a clinical nurse specialist, certified nurse-midwife, 1691
or certified nurse practitioner, the certified midwife or nurse 1692
shall submit to the board the name and business address of each 1693
collaborating physician or podiatrist. Thereafter, the certified 1694
midwife or nurse shall notify the board of any additions or 1695
deletions to the certified midwife's or nurse's collaborating 1696
physicians or podiatrists. Except as provided in division (D) of 1697
this section, the notice must be provided not later than thirty 1698
days after the change takes effect. 1699

(2) All of the following conditions apply with respect to 1700
the practice of a collaborating physician or podiatrist with 1701
whom a certified midwife, clinical nurse specialist, certified 1702
nurse-midwife, or certified nurse practitioner may enter into a 1703
standard care arrangement: 1704

(a) The physician or podiatrist must be authorized to 1705
practice in this state. 1706

(b) Except as provided in division (A) (2) (c) of this 1707
section, the physician or podiatrist must be practicing in a 1708
specialty that is the same as or similar to the certified 1709
midwife's specialty or nurse's nursing specialty. 1710

(c) If the nurse is a clinical nurse specialist who is 1711
certified as a psychiatric-mental health CNS by the American 1712
nurses credentialing center or a certified nurse practitioner 1713
who is certified as a psychiatric-mental health NP by the 1714
American nurses credentialing center, the nurse may enter into a 1715
standard care arrangement with a physician but not a podiatrist 1716
and the collaborating physician must be practicing in one of the 1717
following specialties: 1718

(i) Psychiatry; 1719

(ii) Pediatrics; 1720

(iii) Primary care or family practice. 1721

(B) A standard care arrangement shall be in writing and 1722
shall contain all of the following: 1723

(1) Criteria for referral of a patient by the certified 1724
midwife, clinical nurse specialist, certified nurse-midwife, or 1725
certified nurse practitioner to a collaborating physician or 1726
podiatrist or another physician or podiatrist; 1727

(2) A process for the certified midwife, clinical nurse 1728
specialist, certified nurse-midwife, or certified nurse 1729
practitioner to obtain a consultation with a collaborating 1730
physician or podiatrist or another physician or podiatrist; 1731

(3) A plan for coverage in instances of emergency or 1732
planned absences of either the certified midwife, clinical nurse 1733
specialist, certified nurse-midwife, or certified nurse 1734
practitioner or a collaborating physician or podiatrist that 1735
provides the means whereby a physician or podiatrist is 1736
available for emergency care; 1737

(4) The process for resolution of disagreements regarding 1738

matters of patient management between the certified midwife, 1739
clinical nurse specialist, certified nurse-midwife, or certified 1740
nurse practitioner and a collaborating physician or podiatrist; 1741

(5) Any other criteria required by rule of the board 1742
adopted pursuant to section 4723.07 or 4723.50 of the Revised 1743
Code. 1744

(C) (1) A standard care arrangement entered into pursuant 1745
to this section may permit a clinical nurse specialist, 1746
certified nurse-midwife, or certified nurse practitioner to 1747
supervise services provided by a home health agency as defined 1748
in section 3740.01 of the Revised Code. 1749

(2) A standard care arrangement entered into pursuant to 1750
this section may permit a clinical nurse specialist, certified 1751
nurse-midwife, or certified nurse practitioner to admit a 1752
patient to a hospital in accordance with section 3727.06 of the 1753
Revised Code. 1754

(D) (1) Except as provided in division (D) (2) of this 1755
section, if a physician or podiatrist terminates the 1756
collaboration between the physician or podiatrist and a 1757
certified midwife, certified nurse-midwife, certified nurse 1758
practitioner, or clinical nurse specialist before their standard 1759
care arrangement expires, all of the following apply: 1760

(a) The physician or podiatrist must give the certified 1761
midwife or nurse written or electronic notice of the 1762
termination. 1763

(b) Once the certified midwife or nurse receives the 1764
termination notice, the certified midwife or nurse must notify 1765
the board of nursing of the termination as soon as practicable 1766
by submitting to the board a copy of the physician's or 1767

podiatrist's termination notice. 1768

(c) Notwithstanding the ~~requirement~~ requirements of 1769
section 4723.43 and 4723.57 of the Revised Code that the 1770
certified midwife or nurse practice in collaboration with a 1771
physician or podiatrist, the certified midwife or nurse may 1772
continue to practice under the existing standard care 1773
arrangement without a collaborating physician or podiatrist for 1774
not more than one hundred twenty days after submitting to the 1775
board a copy of the termination notice. 1776

(2) In the event that the collaboration between a 1777
physician or podiatrist and a certified midwife, certified 1778
nurse-midwife, certified nurse practitioner, or clinical nurse 1779
specialist terminates because of the physician's or podiatrist's 1780
death, the certified midwife or nurse must notify the board of 1781
the death as soon as practicable. The certified midwife or nurse 1782
may continue to practice under the existing standard care 1783
arrangement without a collaborating physician or podiatrist for 1784
not more than one hundred twenty days after notifying the board 1785
of the physician's or podiatrist's death. 1786

(E) Nothing in this section prohibits a hospital from 1787
hiring a certified midwife, clinical nurse specialist, certified 1788
nurse-midwife, or certified nurse practitioner as an employee 1789
and negotiating standard care arrangements on behalf of the 1790
employee as necessary to meet the requirements of this section. 1791
A standard care arrangement between the hospital's employee and 1792
the employee's collaborating physician is subject to approval by 1793
the medical staff and governing body of the hospital prior to 1794
implementation of the arrangement at the hospital. 1795

Sec. 4723.432. (A) ~~An~~ A certified midwife or an advanced 1796
practice registered nurse who is designated as a clinical nurse 1797

specialist, certified nurse-midwife, or certified nurse 1798
practitioner shall cooperate with the state medical board in any 1799
investigation the board conducts with respect to a physician or 1800
podiatrist who collaborates with the certified midwife or nurse. 1801
The certified midwife or nurse shall cooperate with the board in 1802
any investigation the board conducts with respect to the 1803
unauthorized practice of medicine by the certified midwife or 1804
nurse. 1805

(B) An advanced practice registered nurse who is 1806
designated as a certified registered nurse anesthetist shall 1807
cooperate with the state medical board or state dental board in 1808
any investigation either board conducts with respect to a 1809
physician, podiatrist, or dentist who permits the nurse to 1810
practice with the supervision of that physician, podiatrist, or 1811
dentist. The nurse shall cooperate with either board in any 1812
investigation it conducts with respect to the unauthorized 1813
practice of medicine or dentistry by the nurse. 1814

Sec. 4723.481. This section establishes standards and 1815
conditions regarding the authority of an advanced practice 1816
registered nurse who is designated as a clinical nurse 1817
specialist, certified nurse-midwife, or certified nurse 1818
practitioner to prescribe and personally furnish drugs and 1819
therapeutic devices under a license issued under section 4723.42 1820
of the Revised Code. 1821

This section also establishes standards and conditions 1822
regarding the authority of a certified midwife to prescribe and 1823
personally furnish drugs and therapeutic devices under a license 1824
issued under section 4723.56 of the Revised Code. 1825

(A) A clinical nurse specialist, certified nurse-midwife, 1826
~~or~~ certified nurse practitioner, or certified midwife shall not 1827

prescribe or furnish any drug or therapeutic device that is 1828
listed on the exclusionary formulary established in rules 1829
adopted under section 4723.50 of the Revised Code. 1830

(B) The prescriptive authority of a clinical nurse 1831
specialist, certified nurse-midwife, ~~or~~ certified nurse 1832
practitioner, or certified midwife shall not exceed the 1833
prescriptive authority of the collaborating physician or 1834
podiatrist, including the collaborating physician's authority to 1835
treat chronic pain with controlled substances and products 1836
containing tramadol as described in section 4731.052 of the 1837
Revised Code. 1838

(C) (1) Except as provided in division (C) (2) or (3) of 1839
this section, a clinical nurse specialist, certified nurse- 1840
midwife, ~~or~~ certified nurse practitioner, or certified midwife 1841
may prescribe to a patient a schedule II controlled substance 1842
only if all of the following are the case: 1843

(a) The patient has a terminal condition, as defined in 1844
section 2133.01 of the Revised Code. 1845

(b) A physician initially prescribed the substance for the 1846
patient. 1847

(c) The prescription is for an amount that does not exceed 1848
the amount necessary for the patient's use in a single, seventy- 1849
two-hour period. 1850

(2) The restrictions on prescriptive authority in division 1851
(C) (1) of this section do not apply if a clinical nurse 1852
specialist, certified nurse-midwife, ~~or~~ certified nurse 1853
practitioner, or certified midwife issues the prescription to 1854
the patient from any of the following entities: 1855

(a) A hospital as defined in section 3722.01 of the 1856

Revised Code;	1857
(b) An entity owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals;	1858 1859 1860
(c) A health care facility operated by the department of mental health and addiction services or the department of developmental disabilities;	1861 1862 1863
(d) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;	1864 1865 1866
(e) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program;	1867 1868 1869
(f) A hospice care program, as defined in section 3712.01 of the Revised Code;	1870 1871
(g) A community mental health services provider, as defined in section 5122.01 of the Revised Code;	1872 1873
(h) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;	1874 1875
(i) A freestanding birthing center, as defined in section 3701.503 of the Revised Code;	1876 1877
(j) A federally qualified health center, as defined in section 3701.047 of the Revised Code;	1878 1879
(k) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	1880 1881
(l) A health care office or facility operated by the board of health of a city or general health district or the authority	1882 1883

having the duties of a board of health under section 3709.05 of 1884
the Revised Code; 1885

(m) A site where a medical practice is operated, but only 1886
if the practice is comprised of one or more physicians who also 1887
are owners of the practice; the practice is organized to provide 1888
direct patient care; and the clinical nurse specialist, 1889
certified nurse-midwife, ~~or~~ certified nurse practitioner, or 1890
certified midwife providing services at the site has a standard 1891
care arrangement and collaborates with at least one of the 1892
physician owners who practices primarily at that site; 1893

(n) A site where a behavioral health practice is operated 1894
that does not qualify as a location otherwise described in 1895
division (C)(2) of this section, but only if the practice is 1896
organized to provide outpatient services for the treatment of 1897
mental health conditions, substance use disorders, or both, and 1898
the clinical nurse specialist, certified nurse-midwife, ~~or~~ 1899
certified nurse practitioner, or certified midwife providing 1900
services at the site of the practice has a standard care 1901
arrangement and collaborates with at least one physician who is 1902
employed by that practice; 1903

(o) A residential care facility, as defined in section 1904
3721.01 of the Revised Code. 1905

(3) A clinical nurse specialist, certified nurse-midwife, 1906
~~or~~ certified nurse practitioner, or certified midwife shall not 1907
issue to a patient a prescription for a schedule II controlled 1908
substance from a convenience care clinic even if the clinic is 1909
owned or operated by an entity specified in division (C)(2) of 1910
this section. 1911

(D) A pharmacist who acts in good faith reliance on a 1912

prescription issued by a clinical nurse specialist, certified 1913
nurse-midwife, ~~or~~ certified nurse practitioner, or certified 1914
midwife under division (C) (2) of this section is not liable for 1915
or subject to any of the following for relying on the 1916
prescription: damages in any civil action, prosecution in any 1917
criminal proceeding, or professional disciplinary action by the 1918
state board of pharmacy under Chapter 4729. of the Revised Code. 1919

(E) A clinical nurse specialist, certified nurse-midwife, 1920
~~or~~ certified nurse practitioner, or certified midwife shall 1921
comply with section 3719.061 of the Revised Code if the nurse 1922
prescribes for a minor, as defined in that section, an opioid 1923
analgesic, as defined in section 3719.01 of the Revised Code. 1924

Sec. 4723.483. (A) (1) Subject to division (A) (2) of this 1925
section, and notwithstanding any provision of this chapter or 1926
rule adopted by the board of nursing, a clinical nurse 1927
specialist, certified nurse-midwife, ~~or~~ certified nurse 1928
practitioner ~~who holds a certificate to prescribe issued under~~ 1929
~~section 4723.48 of the Revised Code,~~ or certified midwife may do 1930
either of the following without having examined an individual to 1931
whom epinephrine may be administered: 1932

(a) Personally furnish a supply of epinephrine 1933
autoinjectors for use in accordance with sections 3313.7110, 1934
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 1935
5101.76 of the Revised Code; 1936

(b) Issue a prescription for epinephrine autoinjectors for 1937
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 1938
3326.28, 3328.29, 3728.03 to 3728.05, and 5101.76 of the Revised 1939
Code. 1940

(2) An epinephrine autoinjector personally furnished or 1941

prescribed under division (A) (1) of this section must be 1942
furnished or prescribed in such a manner that it may be 1943
administered only in a manufactured dosage form. 1944

(B) A nurse or certified midwife who acts in good faith in 1945
accordance with this section is not liable for or subject to any 1946
of the following for any action or omission of an entity to 1947
which an epinephrine autoinjector is furnished or a prescription 1948
is issued: damages in any civil action, prosecution in any 1949
criminal proceeding, or professional disciplinary action. 1950

Sec. 4723.487. (A) As used in this section: 1951

(1) "Drug database" means the database established and 1952
maintained by the state board of pharmacy pursuant to section 1953
4729.75 of the Revised Code. 1954

(2) "Opioid analgesic" and "benzodiazepine" have the same 1955
meanings as in section 3719.01 of the Revised Code. 1956

(B) Except as provided in divisions (C) and (E) of this 1957
section, an advanced practice registered nurse who is designated 1958
as a clinical nurse specialist, certified nurse-midwife, or 1959
certified nurse practitioner or a certified midwife shall comply 1960
with all of the following as conditions of prescribing a drug 1961
that is either an opioid analgesic or a benzodiazepine as part 1962
of a patient's course of treatment for a particular condition: 1963

(1) Before initially prescribing the drug, the advanced 1964
practice registered nurse or certified midwife or the advanced 1965
practice registered nurse's or certified midwife's delegate 1966
shall request from the drug database a report of information 1967
related to the patient that covers at least the twelve months 1968
immediately preceding the date of the request. If the advanced 1969
practice registered nurse or certified midwife practices 1970

primarily in a county of this state that adjoins another state, 1971
the advanced practice registered nurse or certified midwife or 1972
delegate also shall request a report of any information 1973
available in the drug database that pertains to prescriptions 1974
issued or drugs furnished to the patient in the state adjoining 1975
that county. 1976

(2) If the patient's course of treatment for the condition 1977
continues for more than ninety days after the initial report is 1978
requested, the advanced practice registered nurse or certified 1979
midwife or delegate shall make periodic requests for reports of 1980
information from the drug database until the course of treatment 1981
has ended. The requests shall be made at intervals not exceeding 1982
ninety days, determined according to the date the initial 1983
request was made. The request shall be made in the same manner 1984
provided in division (B)(1) of this section for requesting the 1985
initial report of information from the drug database. 1986

(3) On receipt of a report under division (B)(1) or (2) of 1987
this section, the advanced practice registered nurse or 1988
certified midwife shall assess the information in the report. 1989
The advanced practice registered nurse or certified midwife 1990
shall document in the patient's record that the report was 1991
received and the information was assessed. 1992

(C) Division (B) of this section does not apply ~~if~~ in any 1993
of the following circumstances: 1994

(1) A drug database report regarding the patient is not 1995
available, in which case the advanced practice registered nurse 1996
or certified midwife shall document in the patient's record the 1997
reason that the report is not available. 1998

(2) The drug is prescribed in an amount indicated for a 1999

period not to exceed seven days. 2000

(3) The drug is prescribed for the treatment of cancer or 2001
another condition associated with cancer. 2002

(4) The drug is prescribed to a hospice patient in a 2003
hospice care program, as those terms are defined in section 2004
3712.01 of the Revised Code, or any other patient diagnosed as 2005
terminally ill. 2006

(5) The drug is prescribed for administration in a 2007
hospital, nursing home, or residential care facility. 2008

(D) The board of nursing may adopt rules, in accordance 2009
with Chapter 119. of the Revised Code, that establish standards 2010
and procedures to be followed by an advanced practice registered 2011
nurse or certified midwife regarding the review of patient 2012
information available through the drug database under division 2013
(A) (5) of section 4729.80 of the Revised Code. The rules shall 2014
be adopted in accordance with Chapter 119. of the Revised Code. 2015

(E) This section and any rules adopted under it do not 2016
apply if the state board of pharmacy no longer maintains the 2017
drug database. 2018

Sec. 4723.488. (A) Except as provided in division (B) of 2019
this section, in the case of a license holder who is seeking 2020
renewal of a license to practice nursing as an advanced practice 2021
registered nurse or a license to practice as a certified midwife 2022
and who prescribes opioid analgesics or benzodiazepines, as 2023
defined in section 3719.01 of the Revised Code, the holder shall 2024
certify to the board whether the holder has been granted access 2025
to the drug database established and maintained by the state 2026
board of pharmacy pursuant to section 4729.75 of the Revised 2027
Code. 2028

(B) The requirement in division (A) of this section does not apply if any of the following is the case:

(1) The state board of pharmacy notifies the board of nursing pursuant to section 4729.861 of the Revised Code that the license holder has been restricted from obtaining further information from the drug database.

(2) The state board of pharmacy no longer maintains the drug database.

(3) The license holder does not practice ~~nursing as an advanced practice registered nurse or certified midwife~~ in this state.

(C) If a license holder certifies to the board of nursing that the holder has been granted access to the drug database and the board finds through an audit or other means that the holder has not been granted access, the board may take action under section 4723.28 of the Revised Code.

Sec. 4723.4810. (A) (1) Notwithstanding any conflicting provision of this chapter or rule adopted by the board of nursing, a clinical nurse specialist, certified nurse-midwife, ~~or certified nurse practitioner, who holds a license to practice nursing as an advanced practice registered nurse issued under section 4723.42 of the Revised Code or certified midwife~~ may issue a prescription for or personally furnish a complete or partial supply of a drug to treat chlamydia, gonorrhea, or trichomoniasis, without having examined the individual for whom the drug is intended, if all of the following conditions are met:

(a) The individual is a sexual partner of the nurse's or certified midwife's patient.

- (b) The patient has been diagnosed with chlamydia, 2058
gonorrhea, or trichomoniasis. 2059
- (c) The patient reports to the nurse or certified midwife 2060
that the individual is unable or unlikely to be evaluated or 2061
treated by a health professional. 2062
- (2) A prescription issued under this section shall include 2063
the individual's name and address, if known. If the nurse or 2064
certified midwife is unable to obtain the individual's name and 2065
address, the prescription shall include the patient's name and 2066
address and the words "expedited partner therapy" or the letters 2067
"EPT." 2068
- (3) A nurse or certified midwife may prescribe or 2069
personally furnish a drug under this section for not more than a 2070
total of two individuals who are sexual partners of the nurse's 2071
or certified midwife's patient. 2072
- (B) For each drug prescribed or personally furnished under 2073
this section, the nurse or certified midwife shall do all of the 2074
following: 2075
- (1) Provide the patient with information concerning the 2076
drug for the purpose of sharing the information with the 2077
individual, including directions for use of the drug and any 2078
side effects, adverse reactions, or known contraindications 2079
associated with the drug; 2080
- (2) Recommend to the patient that the individual seek 2081
treatment from a health professional; 2082
- (3) Document all of the following in the patient's record: 2083
- (a) The name of the drug prescribed or furnished and its 2084
dosage; 2085

(b) That information concerning the drug was provided to 2086
the patient for the purpose of sharing the information with the 2087
individual; 2088

(c) If known, any adverse reactions the individual 2089
experiences from treatment with the drug. 2090

(C) A nurse or certified midwife who prescribes or 2091
personally furnishes a drug under this section may contact the 2092
individual for whom the drug is intended. 2093

(1) If the nurse or certified midwife contacts the 2094
individual, the nurse or certified midwife shall do all of the 2095
following: 2096

(a) Inform the individual that the individual may have 2097
been exposed to chlamydia, gonorrhea, or trichomoniasis; 2098

(b) Encourage the individual to seek treatment from a 2099
health professional; 2100

(c) Explain the treatment options available to the 2101
individual, including treatment with a prescription drug, 2102
directions for use of the drug, and any side effects, adverse 2103
reactions, or known contraindications associated with the drug; 2104

(d) Document in the patient's record that the nurse or 2105
certified midwife contacted the individual. 2106

(2) If the nurse or certified midwife does not contact the 2107
individual, the nurse or certified midwife shall document that 2108
fact in the patient's record. 2109

(D) A nurse or certified midwife who in good faith 2110
prescribes or personally furnishes a drug under this section is 2111
not liable for or subject to any of the following: 2112

(1) Damages in any civil action;	2113
(2) Prosecution in any criminal proceeding;	2114
(3) Professional disciplinary action.	2115
Sec. 4723.4811. (A) (1) Subject to division (A) (2) of this	2116
section, and notwithstanding any provision of this chapter or	2117
rule adopted by the board of nursing, a clinical nurse	2118
specialist, certified nurse-midwife, or certified nurse	2119
practitioner licensed as an advanced practice registered nurse	2120
under Chapter 4723. of the Revised Code , <u>or certified midwife</u>	2121
may do either of the following without having examined an	2122
individual to whom glucagon may be administered:	2123
(a) Personally furnish a supply of injectable or nasally	2124
administered glucagon for use in accordance with sections	2125
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and 5101.78 of	2126
the Revised Code;	2127
(b) Issue a prescription for injectable or nasally	2128
administered glucagon for use in accordance with sections	2129
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and 5101.78 of	2130
the Revised Code.	2131
(2) Injectable or nasally administered glucagon personally	2132
furnished or prescribed under division (A) (1) of this section	2133
must be furnished or prescribed in such a manner that it may be	2134
administered only in a manufactured dosage form.	2135
(B) A nurse <u>or certified midwife</u> who acts in good faith in	2136
accordance with this section is not liable for or subject to any	2137
of the following for any action or omission of an entity to	2138
which injectable or nasally administered glucagon is furnished	2139
or a prescription is issued: damages in any civil action,	2140
prosecution in any criminal proceeding, or professional	2141

disciplinary action. 2142

Sec. 4723.50. (A) As used in this section: 2143

(1) "Controlled substance" has the same meaning as in 2144
section 3719.01 of the Revised Code. 2145

(2) "Medication-assisted treatment" has the same meaning 2146
as in section 340.01 of the Revised Code. 2147

(B) In accordance with Chapter 119. of the Revised Code, 2148
the board of nursing shall adopt rules as necessary to implement 2149
the provisions of this chapter pertaining to the authority of 2150
~~advanced practice registered nurses who are designated as~~ 2151
clinical nurse specialists, certified nurse-midwives, ~~and~~ 2152
certified nurse practitioners, and certified midwives to 2153
prescribe and furnish drugs and therapeutic devices. 2154

The board shall adopt rules establishing an exclusionary 2155
formulary. The exclusionary formulary shall permit, in a manner 2156
consistent with section 4723.481 of the Revised Code, the 2157
prescribing of controlled substances, including drugs that 2158
contain buprenorphine used in medication-assisted treatment and 2159
both oral and long-acting opioid antagonists. The formulary 2160
shall not permit the prescribing or furnishing of any of the 2161
following: 2162

(1) A drug or device to perform or induce an abortion; 2163

(2) A drug or device prohibited by federal or state law. 2164

(C) In addition to the rules described in division (B) of 2165
this section, the board shall adopt rules under this section 2166
that do the following: 2167

(1) Establish standards for board approval of the course 2168
of study in advanced pharmacology and related topics required by 2169

section sections 4723.482 and 4723.551 of the Revised Code;	2170
(2) Establish requirements for board approval of the two-hour course of instruction in the laws of this state as required under division (C) (1) of section 4723.482 of the Revised Code;	2171 2172 2173
(3) Establish criteria for the components of the standard care arrangements described in section 4723.431 of the Revised Code that apply to the authority to prescribe, including the components that apply to the authority to prescribe schedule II controlled substances. The rules shall be consistent with that section and include all of the following:	2174 2175 2176 2177 2178 2179
(a) Quality assurance standards;	2180
(b) Standards for periodic review by a collaborating physician or podiatrist of the records of patients treated by the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, <u>or certified midwife</u> ;	2181 2182 2183 2184
(c) Acceptable travel time between the location at which the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, <u>or certified midwife</u> is engaging in the prescribing components of the nurse's practice and the location of the nurse's <u>or certified midwife's</u> collaborating physician or podiatrist.	2185 2186 2187 2188 2189 2190
<u>Sec. 4723.53. As used in sections 4723.53 to 4723.60 of the Revised Code:</u>	2191 2192
<u>(A) "Accreditation commission for midwifery education" means the organization known by that name or its successor organization.</u>	2193 2194 2195
<u>(B) "American midwifery certification board" means the organization known by that name or its successor organization.</u>	2196 2197

Sec. 4723.54. (A) Except as provided in division (B) of this section, no individual shall knowingly practice as a certified midwife unless the individual holds a current, valid license to practice as a certified midwife issued under section 4723.56 of the Revised Code. 2198
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(B) Division (A) of this section does not apply to any of the following: 2203
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(1) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery; 2205
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(2) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant; 2208
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(3) A registered nurse, advanced practice registered nurse, or licensed practical nurse authorized under this chapter to practice nursing as a registered nurse, advanced practice registered nurse, or licensed practical nurse; 2210
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(4) A licensed midwife; 2214

(5) A traditional midwife; 2215

(6) A student who is participating in a midwifery education program accredited by the accreditation commission for midwifery education and who provides midwifery services under the auspices of the program and under the supervision of a certified midwife serving for the program as a faculty member, instructor, teaching assistant, or preceptor. 2216
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Sec. 4723.55. (A) An individual seeking a license to practice as a certified midwife shall file with the board of nursing an application in a manner prescribed by the board. The application shall include all the information the board 2222
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considers necessary to process the application, including 2226
evidence satisfactory to the board that the applicant meets the 2227
requirements specified in division (B) of this section. 2228

(B) To be eligible to receive a license to practice as a 2229
certified midwife, an applicant shall demonstrate to the board 2230
that the applicant meets all of the following requirements: 2231

(1) Is at least eighteen years of age; 2232

(2) Has attained a master's degree or higher; 2233

(3) Has graduated from a midwifery education program 2234
accredited by the accreditation commission for midwifery 2235
education; 2236

(4) Is certified by the American midwifery certification 2237
board; 2238

(5) Is certified in neonatal and adult cardiopulmonary 2239
resuscitation; 2240

(6) Has successfully completed the course of study in 2241
advanced pharmacology required by section 4723.551 of the 2242
Revised Code. 2243

(C) The board shall review all applications received under 2244
this section. After receiving an application it considers 2245
complete, the board shall determine whether the applicant meets 2246
the requirements for a license to practice as a certified 2247
midwife. 2248

Sec. 4723.551. (A) An applicant for a license to practice 2249
as a certified midwife shall include with the application 2250
submitted under section 4723.55 of the Revised Code evidence of 2251
successfully completing the course of study in advanced 2252
pharmacology and related topics in accordance with the 2253

<u>requirements specified in division (B) of this section.</u>	2254
<u>(B) With respect to the course of study in advanced</u>	2255
<u>pharmacology and related topics, all of the following</u>	2256
<u>requirements apply:</u>	2257
<u>(1) The course of study shall be completed not more than</u>	2258
<u>five years before the application is filed.</u>	2259
<u>(2) The course of study shall include at least forty-five</u>	2260
<u>contact hours.</u>	2261
<u>(3) The course of study shall meet the requirements to be</u>	2262
<u>approved by the board in accordance with standards established</u>	2263
<u>in rules adopted under section 4723.50 of the Revised Code.</u>	2264
<u>(4) The content of the course of study shall be specific</u>	2265
<u>to midwifery.</u>	2266
<u>(5) The instruction provided in the course of study shall</u>	2267
<u>include all of the following:</u>	2268
<u>(a) A minimum of thirty-six contact hours of instruction</u>	2269
<u>in advanced pharmacology that includes pharmacokinetic</u>	2270
<u>principles and clinical application and the use of drugs and</u>	2271
<u>therapeutic devices in the prevention of illness and maintenance</u>	2272
<u>of health;</u>	2273
<u>(b) Instruction in the fiscal and ethical implications of</u>	2274
<u>prescribing drugs and therapeutic devices;</u>	2275
<u>(c) Instruction in the state and federal laws that apply</u>	2276
<u>to the authority to prescribe;</u>	2277
<u>(d) Instruction that is specific to schedule II controlled</u>	2278
<u>substances, including instruction in all of the following:</u>	2279
<u>(i) Indications for the use of schedule II controlled</u>	2280

<u>substances in drug therapies;</u>	2281
<u>(ii) The most recent guidelines for pain management</u>	2282
<u>therapies, as established by state and national organizations</u>	2283
<u>such as the Ohio pain initiative and the American pain society;</u>	2284
<u>(iii) Fiscal and ethical implications of prescribing</u>	2285
<u>schedule II controlled substances;</u>	2286
<u>(iv) State and federal laws that apply to the authority to</u>	2287
<u>prescribe schedule II controlled substances;</u>	2288
<u>(v) Prevention of abuse and diversion of schedule II</u>	2289
<u>controlled substances, including identification of the risk of</u>	2290
<u>abuse and diversion, recognition of abuse and diversion, types</u>	2291
<u>of assistance available for prevention of abuse and diversion,</u>	2292
<u>and methods of establishing safeguards against abuse and</u>	2293
<u>diversion.</u>	2294
<u>Sec. 4723.56. (A) If the board of nursing determines under</u>	2295
<u>section 4723.55 of the Revised Code that an applicant meets the</u>	2296
<u>requirements for a license to practice as a certified midwife,</u>	2297
<u>the secretary of the board shall issue the license to the</u>	2298
<u>applicant.</u>	2299
<u>(B) Each license shall be valid for a two-year period</u>	2300
<u>unless revoked or suspended, shall expire on the date that is</u>	2301
<u>two years after the date of issuance, and may be renewed for</u>	2302
<u>additional two-year periods in accordance with rules adopted</u>	2303
<u>under section 4723.59 of the Revised Code.</u>	2304
<u>(C) To renew a license to practice as a certified midwife,</u>	2305
<u>an applicant for renewal shall demonstrate both of the following</u>	2306
<u>to the board:</u>	2307
<u>(1) That the applicant has maintained certification in</u>	2308

<u>neonatal and adult cardiopulmonary resuscitation;</u>	2309
<u>(2) That the applicant has satisfied the continuing</u>	2310
<u>education requirements of the American midwifery certification</u>	2311
<u>board.</u>	2312
<u>Sec. 4723.57. (A) An individual who holds a current, valid</u>	2313
<u>license to practice as a certified midwife may, in collaboration</u>	2314
<u>with one or more physicians, engage in one or more of the</u>	2315
<u>following activities:</u>	2316
<u>(1) Providing primary health care services for women from</u>	2317
<u>adolescence and beyond menopause, including the independent</u>	2318
<u>provision of gynecologic and family planning services,</u>	2319
<u>preconception care, and care during pregnancy, childbirth, and</u>	2320
<u>the postpartum period;</u>	2321
<u>(2) Attending births in hospitals, homes, medical offices,</u>	2322
<u>and freestanding birthing centers;</u>	2323
<u>(3) Providing care for normal newborns during the first</u>	2324
<u>twenty-eight days of life;</u>	2325
<u>(4) Providing initial and ongoing comprehensive</u>	2326
<u>assessment, diagnosis, and treatment;</u>	2327
<u>(5) Conducting physical examinations;</u>	2328
<u>(6) Ordering and interpreting laboratory and diagnostic</u>	2329
<u>tests;</u>	2330
<u>(7) Providing care that includes health promotion, disease</u>	2331
<u>prevention, and individualized wellness education and</u>	2332
<u>counseling.</u>	2333
<u>(B) When engaging in any of the activities permitted under</u>	2334
<u>this section, a certified midwife shall maintain appropriate</u>	2335

medical records regarding patient history, treatment, and 2336
outcomes. 2337

Sec. 4723.58. (A) This section establishes the process by 2338
which a certified nurse-midwife or certified midwife obtains a 2339
patient's consent to treatment authorized by section 4723.43 or 2340
4723.57 of the Revised Code, but only when the certified nurse- 2341
midwife or certified midwife seeks to provide the treatment in a 2342
setting other than a hospital or facility. 2343

(B) The following information shall be exchanged in 2344
writing between a certified nurse-midwife or certified midwife 2345
and patient when obtaining consent to treatment as described in 2346
division (A) of this section: 2347

(1) The name and license number of the certified nurse- 2348
midwife or certified midwife; 2349

(2) The patient's name, address, telephone number, and 2350
primary care provider, if the patient has one; 2351

(3) A description of the certified nurse-midwife's or 2352
certified midwife's education, training, and experience in 2353
nurse-midwifery or midwifery; 2354

(4) A description of the certified nurse-midwife's or 2355
certified midwife's peer review process; 2356

(5) The certified nurse-midwife's or certified midwife's 2357
practice philosophy; 2358

(6) A promise to provide the patient, upon request, with 2359
separate documents describing the rules governing the practice 2360
of a certified nurse-midwife or certified midwife, including a 2361
list of conditions indicating the need for consultation, 2362
referral, transfer, or mandatory transfer and the certified 2363

<u>nurse-midwife's or certified midwife's personal written practice</u>	2364
<u>guidelines;</u>	2365
<u>(7) A written plan for medical consultation and transfer</u>	2366
<u>of care;</u>	2367
<u>(8) A description of any hospital care and procedures that</u>	2368
<u>may be necessary in the event of an emergency transfer or care;</u>	2369
<u>(9) A description of the services provided to the patient</u>	2370
<u>by the certified nurse-midwife or certified midwife;</u>	2371
<u>(10) That the certified nurse-midwife or certified midwife</u>	2372
<u>holds a current, valid license to practice issued under this</u>	2373
<u>chapter;</u>	2374
<u>(11) The availability of a grievance process;</u>	2375
<u>(12) Whether the certified nurse-midwife or certified</u>	2376
<u>midwife is covered by professional liability insurance;</u>	2377
<u>(13) Any other information required in rules adopted by</u>	2378
<u>the board.</u>	2379
<u>(C) Once the required information has been exchanged and</u>	2380
<u>if the patient consents to treatment, the patient and certified</u>	2381
<u>nurse-midwife or certified midwife shall sign a written document</u>	2382
<u>to indicate as such. The certified nurse-midwife or certified</u>	2383
<u>midwife shall retain a copy of the document for at least four</u>	2384
<u>years from the date on which the document was signed.</u>	2385
<u>Sec. 4723.581. (A) The board of nursing shall adopt rules</u>	2386
<u>establishing the circumstances in which a certified nurse-</u>	2387
<u>midwife or certified midwife shall be prohibited from attending</u>	2388
<u>a home birth, which may include a high-risk pregnancy. In</u>	2389
<u>adopting the rules, the board shall allow a midwife to attend</u>	2390
<u>any of the following as a home birth only if the conditions</u>	2391

described in division (B) of this section are satisfied: a 2392
vaginal birth after cesarean, birth of twins, or breech birth. 2393

(B) In the event of a home birth described in division (A) 2394
of this section, a certified nurse-midwife or certified midwife 2395
may attend the birth only if all of the following conditions are 2396
satisfied: 2397

(1) In addition to the informed consent required under 2398
section 4723.58 of the Revised Code, the certified nurse-midwife 2399
or certified midwife obtains the patient's written informed 2400
consent for the vaginal birth after cesarean, birth of twins, or 2401
breech birth, including a description of risks associated with 2402
the procedure. 2403

(2) The certified nurse-midwife or certified midwife 2404
consults with a physician or other health care provider about 2405
the patient and together with the physician or provider 2406
determines whether referral is appropriate for the patient. 2407

If a referral is determined to be appropriate and the 2408
patient consents to the referral, the certified nurse-midwife or 2409
certified midwife shall refer the patient to the physician or 2410
provider. If the patient refuses the referral, the certified 2411
nurse-midwife or certified midwife shall document the refusal 2412
and may continue to provide care to the patient, including 2413
attending the vaginal birth after cesarean, birth of twins, or 2414
breech birth at home. 2415

(3) The certified nurse-midwife or certified midwife 2416
satisfies any other conditions required in rules adopted by the 2417
board of nursing. 2418

(C) In adopting rules under this section, the board of 2419
nursing shall do both of the following: 2420

<u>(1) Consider any relevant peer-reviewed medical</u>	2421
<u>literature;</u>	2422
<u>(2) Specify the content and format of the document to be</u>	2423
<u>used when obtaining informed consent as described in this</u>	2424
<u>section.</u>	2425
<u>Sec. 4723.582. (A) As used in this section and section</u>	2426
<u>4723.583 of the Revised Code, "emergency medical service,"</u>	2427
<u>"emergency medical service personnel," and "emergency medical</u>	2428
<u>service organization" have the same meanings as in section</u>	2429
<u>4765.01 of the Revised Code.</u>	2430
<u>(B) For any pregnancy or childbirth in which a certified</u>	2431
<u>nurse-midwife or certified midwife provides care and a home</u>	2432
<u>birth is planned, both of the following apply:</u>	2433
<u>(1) The certified nurse-midwife or certified midwife shall</u>	2434
<u>create an individualized transfer of care plan with each</u>	2435
<u>patient.</u>	2436
<u>(2) The certified nurse-midwife or certified midwife shall</u>	2437
<u>assess the status of the patient, fetus, and newborn throughout</u>	2438
<u>the maternity care cycle and shall determine when or if a</u>	2439
<u>transfer to a hospital or facility is necessary.</u>	2440
<u>(C) Each individualized transfer of care plan shall</u>	2441
<u>contain all of the following:</u>	2442
<u>(1) The name and location of geographically adjacent</u>	2443
<u>hospitals and other facilities that are appropriately equipped</u>	2444
<u>to provide emergency care, obstetrical care, and newborn care;</u>	2445
<u>(2) The approximate travel time to each hospital or</u>	2446
<u>facility;</u>	2447
<u>(3) A list of the modes of transport services available,</u>	2448

<u>including an emergency medical service organization available by</u>	2449
<u>calling 9-1-1;</u>	2450
<u>(4) The requirements for activating each mode of</u>	2451
<u>transportation;</u>	2452
<u>(5) The mechanism by which medical records and other</u>	2453
<u>information concerning the patient may be rapidly transmitted to</u>	2454
<u>each hospital or facility;</u>	2455
<u>(6) Each hospital's or facility's preferences regarding</u>	2456
<u>the registration of a patient prior to transfer as well as the</u>	2457
<u>hospital's or facility's procedures for confirming such a</u>	2458
<u>registration;</u>	2459
<u>(7) Contact information for either a health care provider</u>	2460
<u>or practice group who has agreed in advance to accept patients</u>	2461
<u>in transfer, or a hospital's or facility's preferred method of</u>	2462
<u>accessing care by the hospital's or facility's designated</u>	2463
<u>provider on call;</u>	2464
<u>(8) Any other information required in rules adopted by the</u>	2465
<u>board of nursing.</u>	2466
<u>(D) When it becomes necessary to transfer a patient, a</u>	2467
<u>certified nurse-midwife or certified midwife shall notify the</u>	2468
<u>receiving provider, hospital, or facility of all of the</u>	2469
<u>following:</u>	2470
<u>(1) The incoming transfer;</u>	2471
<u>(2) The reason for the transfer;</u>	2472
<u>(3) A brief relevant clinical history;</u>	2473
<u>(4) The planned mode of transport;</u>	2474
<u>(5) The expected time of arrival;</u>	2475

(6) Any other information required in rules adopted by the 2476
board. 2477

The certified nurse-midwife or certified midwife shall 2478
continue to provide routine or urgent care en route in 2479
coordination with any emergency medical services personnel or 2480
emergency medical service organization and shall address the 2481
psychosocial needs of the patient during the change of birth 2482
setting. 2483

(E) On arrival at the hospital or facility, the certified 2484
nurse-midwife or certified midwife shall do all of the 2485
following: 2486

(1) Provide a verbal report that includes details on the 2487
patient's current health status and the need for urgent care; 2488

(2) Provide a legible copy of relevant prenatal and labor 2489
medical records; 2490

(3) Transfer clinical responsibility to the receiving 2491
provider, hospital, or facility; 2492

(4) Satisfy any other requirement established in rules 2493
adopted by the board of nursing. 2494

If the patient chooses, the certified nurse-midwife or 2495
certified midwife may remain at the hospital or facility to 2496
provide continuous support. The certified nurse-midwife or 2497
certified midwife also may continue to provide midwifery 2498
services, but only if the hospital or facility has granted the 2499
nurse-midwife or midwife clinical privileges. Whenever possible, 2500
the patient and her newborn shall be together during the 2501
transfer and after admission to the hospital or facility. 2502

Sec. 4723.583. Emergency medical service personnel or an 2503

emergency medical service organization, hospital, facility, 2504
physician, advanced practice registered nurse, or certified 2505
midwife that provides services or care following an adverse 2506
incident as defined in section 4723.584 of the Revised Code or 2507
during and after a transfer of care as described in section 2508
4723.582 of the Revised Code are not liable in damages in a tort 2509
or other civil action for injury or loss to person or property 2510
arising from the services or care, unless the services or care 2511
are provided in a manner that constitutes willful or wanton 2512
misconduct. 2513

Sec. 4723.584. (A) As used in this section, "adverse 2514
incident" means an incident over which a certified nurse-midwife 2515
or certified midwife could exercise control, that is associated 2516
with an attempted or completed birth in a setting or facility 2517
other than a hospital, and that results in one or more of the 2518
following injuries or conditions: 2519

(1) A maternal death that occurs during delivery or within 2520
forty-two days after delivery; 2521

(2) The transfer of a maternal patient to a hospital 2522
intensive care unit; 2523

(3) A maternal patient experiencing hemorrhagic shock or 2524
requiring a transfusion of more than four units of blood or 2525
blood products; 2526

(4) A fetal or newborn death, including a stillbirth, 2527
associated with an obstetrical delivery; 2528

(5) A transfer of a newborn to a neonatal intensive care 2529
unit due to a traumatic physical or neurological birth injury, 2530
including any degree of a brachial plexus injury; 2531

(6) A transfer of a newborn to a neonatal intensive care 2532

unit within the first seventy-two hours after birth if the 2533
newborn remains in such unit for more than seventy-two hours; 2534

(7) Any other condition as determined by the board of 2535
nursing in rules adopted under section 4723.07 or 4723.59 of the 2536
Revised Code. 2537

(B) Beginning July 1, 2025, a certified nurse-midwife or 2538
certified midwife who attends a birth planned for a facility or 2539
setting other than a hospital must report any adverse incident, 2540
along with a medical summary of events, to both of the following 2541
within fifteen days after the adverse incident occurs: 2542

(1) The department of health; 2543

(2) The Ohio perinatal quality collaborative. 2544

(C) Beginning on the date that is one year after the 2545
effective date of this section, each certified nurse-midwife or 2546
certified midwife shall report annually to the department of 2547
health the following information regarding cases in which the 2548
midwife provided services when the intended place of birth at 2549
the onset of care was in a facility or setting other than a 2550
hospital: 2551

(1) The total number of patients provided nurse-midwifery 2552
or certified midwifery services at the onset of care; 2553

(2) The number of live births attended; 2554

(3) The number of cases of fetal demise, newborn deaths, 2555
and maternal deaths attended as a certified nurse-midwife or 2556
certified midwife at the discovery of the demise or death; 2557

(4) The number, reason for, and outcome of each transport 2558
of a patient in the antepartum, intrapartum period, or immediate 2559
postpartum period; 2560

<u>(5) A brief description of any complications resulting in</u>	2561
<u>the morbidity or mortality of a maternal patient or a newborn;</u>	2562
<u>(6) The planned delivery setting and the actual setting;</u>	2563
<u>(7) Any other information required in rules adopted by the</u>	2564
<u>department.</u>	2565
<u>(D) The department shall adopt rules to implement this</u>	2566
<u>section and shall develop a form to be used for the reporting</u>	2567
<u>required under divisions (B) and (C) of this section.</u>	2568
<u>Sec. 4723.59.</u> <u>(A) In addition to the rules described in</u>	2569
<u>section 4723.07 of the Revised Code, the board of nursing shall</u>	2570
<u>adopt rules establishing standards and procedures for the</u>	2571
<u>licensure and regulation of certified midwives, including those</u>	2572
<u>establishing license application and renewal procedures. The</u>	2573
<u>rules shall be adopted in accordance with Chapter 119. of the</u>	2574
<u>Revised Code.</u>	2575
<u>(B) The board also may adopt, in accordance with Chapter</u>	2576
<u>119. of the Revised Code, any other rules it considers necessary</u>	2577
<u>to implement and administer sections 4723.53 to 4723.60 of the</u>	2578
<u>Revised Code. The rules may require the completion of a criminal</u>	2579
<u>records check and, in the case of a license to practice as a</u>	2580
<u>certified midwife issued by another jurisdiction, may provide</u>	2581
<u>for licensure by endorsement.</u>	2582
<u>Sec. 4723.60.</u> <u>Sections 4723.53 to 4723.59 of the Revised</u>	2583
<u>Code do not abridge, change, or limit in any way the right of a</u>	2584
<u>parent to deliver the parent's baby where, when, how, and with</u>	2585
<u>whom the parent chooses, regardless of the licensure</u>	2586
<u>requirements established in those sections.</u>	2587
<u>Sec. 4723.91.</u> <u>On receipt of a notice pursuant to section</u>	2588
<u>3123.43 of the Revised Code, the board of nursing shall comply</u>	2589

with sections 3123.41 to 3123.50 of the Revised Code and any 2590
applicable rules adopted under section 3123.63 of the Revised 2591
Code with respect to a nursing license, certified midwife 2592
license, medication aide certificate, dialysis technician 2593
certificate, or community health worker certificate issued 2594
pursuant to this chapter. 2595

Sec. 4723.99. (A) Except as provided in division (B) or 2596
(C) of this section, whoever violates section 4723.03, 4723.44, 2597
4723.54, 4723.653, or 4723.73 of the Revised Code is guilty of a 2598
felony of the fifth degree on a first offense and a felony of 2599
the fourth degree on each subsequent offense. 2600

(B) Each of the following is guilty of a minor 2601
misdemeanor: 2602

(1) A registered nurse, advanced practice registered 2603
nurse, or licensed practical nurse who violates division (A), 2604
(B), (C), or (D) of section 4723.03 of the Revised Code by 2605
reason of a license to practice nursing that has lapsed for 2606
failure to renew or by practicing nursing after a license has 2607
been classified as inactive; 2608

(2) A medication aide who violates section 4723.653 of the 2609
Revised Code by reason of a medication aide certificate that has 2610
lapsed for failure to renew or by administering medication as a 2611
medication aide after a certificate has been classified as 2612
inactive. 2613

(C) Whoever violates division (H) of section 4723.03 of 2614
the Revised Code is guilty of a misdemeanor of the first degree. 2615

Sec. 4724.01. As used in this chapter: 2616

(A) "Certified international midwife" means an individual 2617
who is certified by the international registry of midwives but 2618

is not a licensed midwife. 2619

(B) "Certified professional midwife" means an individual 2620
who is certified by the north American registry of midwives but 2621
is not a licensed midwife. 2622

(C) "International registry of midwives" means the 2623
organization known by that name or its successor organization. 2624

(D) "Licensed midwife" means an individual holding a 2625
license to practice issued under section 4724.04 of the Revised 2626
Code. 2627

(E) "Midwifery education accreditation council" means the 2628
organization known by that name or its successor organization. 2629

(F) "North American registry of midwives" means the 2630
organization known by that name or its successor organization. 2631

(G) "Traditional midwife" means an individual who has 2632
entered the midwifery profession through an apprenticeship 2633
program with an experienced practicing midwife, does not hold a 2634
license to practice midwifery issued under this chapter or 2635
Chapter 4723. of the Revised Code, and, before providing 2636
midwifery services, discloses to each client in writing that the 2637
individual is not a licensed midwife. 2638

Sec. 4724.02. (A) Except as provided in division (B) of 2639
this section, no individual shall knowingly practice as a 2640
licensed midwife unless the individual holds a current, valid 2641
license to practice issued under section 4724.04 of the Revised 2642
Code. 2643

(B) Division (A) of this section does not apply to any of 2644
the following: 2645

(1) A physician authorized under Chapter 4731. of the 2646

<u>Revised Code to practice medicine and surgery, osteopathic</u>	2647
<u>medicine and surgery, or podiatric medicine and surgery;</u>	2648
<u>(2) A physician assistant authorized under Chapter 4730.</u>	2649
<u>of the Revised Code to practice as a physician assistant;</u>	2650
<u>(3) A registered nurse, advanced practice registered</u>	2651
<u>nurse, or licensed practical nurse authorized under Chapter</u>	2652
<u>4723. of the Revised Code to practice nursing as a registered</u>	2653
<u>nurse, advanced practice registered nurse, or licensed practical</u>	2654
<u>nurse;</u>	2655
<u>(4) A certified midwife authorized under Chapter 4723. of</u>	2656
<u>the Revised Code to practice as a certified midwife;</u>	2657
<u>(5) A student who is participating in a professional</u>	2658
<u>midwifery education program and who provides midwifery services</u>	2659
<u>under the auspices of the program and under the supervision of a</u>	2660
<u>licensed midwife serving for the program as a faculty member,</u>	2661
<u>instructor, teaching assistant, or preceptor;</u>	2662
<u>(6) An individual who is participating in a professional</u>	2663
<u>midwifery apprenticeship and who provides midwifery services as</u>	2664
<u>part of the apprenticeship program and under the supervision of</u>	2665
<u>a licensed midwife serving for the program as an instructor,</u>	2666
<u>teaching assistant, or preceptor;</u>	2667
<u>(7) An individual who provides midwifery services without</u>	2668
<u>a license while engaging in good faith in the practice of the</u>	2669
<u>religious tenets of any church or in any religious act;</u>	2670
<u>(8) An individual who is not engaged in the practice of</u>	2671
<u>the religious tenets of any church or in any religious act but</u>	2672
<u>who provides midwifery services without a license to others</u>	2673
<u>engaging in good faith in the practice of the religious tenets</u>	2674
<u>of any church or in any religious act;</u>	2675

(9) An individual who is a member of a Native American community and provides midwifery services without a license to another member of the community; 2676
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(10) A traditional midwife; 2679

(11) An individual who is participating in a midwifery apprenticeship under the supervision of a traditional midwife and who provides midwifery services as part of the apprenticeship program under the supervision of a traditional midwife; 2680
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(12) A certified professional midwife or certified international midwife, but only if the certified professional midwife or certified international midwife does not, as a part of the midwife's practice, obtain or administer drugs or perform surgical suturing. 2685
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(C) No individual shall knowingly use the title "licensed midwife" or any other title implying that the individual is a licensed midwife unless the individual holds a current, valid license to practice issued under section 4724.04 of the Revised Code. 2690
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Sec. 4724.03. (A) An individual seeking a license to practice as a licensed midwife shall file with the department of commerce an application in a manner prescribed by the department. The application shall include all the information the department considers necessary to process the application, including evidence satisfactory to the department that the applicant meets the requirements specified in division (B)(1) or (2) of this section. 2695
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(B) (1) To be eligible to receive a license to practice as a licensed midwife, an applicant shall demonstrate to the 2703
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department that the applicant meets all of the following 2705
requirements: 2706

(a) Is at least eighteen years of age; 2707

(b) Has attained a high school degree or equivalent; 2708

(c) Is certified by the north American registry of 2709
midwives, international registry of midwives, or another 2710
certifying organization approved by the department in rules 2711
adopted under section 4724.11 of the Revised Code; 2712

(d) Is certified in neonatal and adult cardiopulmonary 2713
resuscitation; 2714

(e) Has successfully completed a course of study in breech 2715
births approved by the department in rules adopted under section 2716
4724.11 of the Revised Code; 2717

(f) Has successfully completed a course of study in 2718
pharmacology approved by the department in rules adopted under 2719
section 4724.11 of the Revised Code. 2720

(2) In lieu of meeting the requirements described in 2721
division (B)(1)(c) of this section, an applicant may demonstrate 2722
either of the following: 2723

(a) That the applicant holds a current, valid license to 2724
practice as a licensed midwife issued by another state and the 2725
department has determined that the other state's requirements 2726
for licensure are substantially similar to those described in 2727
division (B)(1) of this section; 2728

(b) That the applicant is certified by the north American 2729
registry of midwives and holds a midwifery bridge certificate. 2730

(C) The department shall review all applications received 2731

under this section. After receiving an application it considers 2732
complete, the department shall determine whether the applicant 2733
meets the requirements for a license to practice as a licensed 2734
midwife. 2735

Sec. 4724.04. (A) If the department of commerce determines 2736
under section 4724.03 of the Revised Code that an applicant 2737
meets the requirements for a license to practice as a licensed 2738
midwife, the department shall issue the license to the 2739
applicant. 2740

(B) Each license shall be valid for a two-year period 2741
unless revoked or suspended, shall expire on the date that is 2742
two years after the date of issuance, and may be renewed for 2743
additional two-year periods in accordance with rules adopted 2744
under section 4724.11 of the Revised Code. 2745

(C) To renew a license to practice as a licensed midwife, 2746
an applicant for renewal shall demonstrate both of the following 2747
to the department: 2748

(1) That the applicant has maintained certification in 2749
neonatal and adult cardiopulmonary resuscitation; 2750

(2) That the applicant has maintained certification with 2751
the north American registry of midwives, international registry 2752
of midwives, or another certifying organization approved by the 2753
department in rules adopted under section 4724.11 of the Revised 2754
Code. 2755

(D) In the event a license issued under this section is 2756
not renewed and is therefore expired or inactive, the department 2757
shall reinstate or restore the license if the individual seeking 2758
reinstatement or restoration satisfies the conditions specified 2759
in rules adopted under section 4724.11 of the Revised Code. 2760

Sec. 4724.05. (A) An individual who holds a current, valid license to practice as a licensed midwife may engage in one or more of the following activities: 2761
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(1) Offering care, education, counseling, and support to women and their families during pregnancy, birth, and the postpartum period; 2764
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(2) Attending births in hospitals, homes, medical offices, and freestanding birthing centers; 2767
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(3) Providing ongoing care throughout pregnancy and hands on care during labor, birth, and the immediate postpartum period; 2769
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(4) Providing maternal and well-baby care for the six- to eight-week period following delivery; 2772
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(5) Providing initial and ongoing comprehensive assessment, diagnosis, and treatment; 2774
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(6) Recognizing abnormal or dangerous conditions requiring consultations with or referrals to other licensed health care professionals; 2776
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(7) Conducting physical examinations; 2779

(8) Ordering and interpreting laboratory and diagnostic tests, including without a physician's order. 2780
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(B) An individual who holds a current, valid license to practice as a licensed midwife shall not engage in any of the following activities: 2782
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(1) Administering cytotec or oxytocics, including pitocin and methergine, except when indicated during the postpartum period; 2785
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<u>(2) Using forceps or vacuum extraction to assist with</u>	2788
<u>birth;</u>	2789
<u>(3) Performing any operative procedures or surgical</u>	2790
<u>repairs other than the following: artificial rupture of</u>	2791
<u>membranes; episiotomies; first or second degree perineal,</u>	2792
<u>vaginal, or labial repairs; clamping or cutting the umbilical</u>	2793
<u>cord; or frenotomies.</u>	2794
<u>(C) For the purpose of engaging in one or more of the</u>	2795
<u>activities permitted under division (A) of this section, a</u>	2796
<u>licensed midwife may obtain and administer the following:</u>	2797
<u>(1) Subject to division (B) of this section, an</u>	2798
<u>antihemorrhagic agent, including tranexamic acid, pitocin,</u>	2799
<u>oxytocin, misoprostol, and methergine;</u>	2800
<u>(2) Intravenous fluids to stabilize the laboring or</u>	2801
<u>postpartum patient or as necessary to administer another drug</u>	2802
<u>authorized by this division;</u>	2803
<u>(3) Neonatal injectable vitamin K;</u>	2804
<u>(4) Newborn antibiotic eye prophylaxis;</u>	2805
<u>(5) Oxygen;</u>	2806
<u>(6) Intravenous antibiotics for group B streptococcal</u>	2807
<u>prophylaxis;</u>	2808
<u>(7) Rho (D) immune globulin;</u>	2809
<u>(8) Local anesthesia;</u>	2810
<u>(9) Epinephrine, but only to address an adverse reaction</u>	2811
<u>to a medication;</u>	2812
<u>(10) A drug prescribed for the patient by a prescriber.</u>	2813

A licensed midwife also may obtain, without a physician's order, one or more supplies necessary to administer any of the drugs described in division (C) of this section. 2814
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(D) This section does not authorize a licensed midwife to prescribe, personally furnish, obtain, or administer either of the following: 2817
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(1) Any controlled substance as defined in section 3719.01 of the Revised Code; 2820
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(2) A drug or device to perform or induce an abortion. 2822

(E) When engaging in any of the activities permitted under this section, a licensed midwife shall maintain appropriate medical records regarding patient history, treatment, and outcomes. 2823
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Sec. 4724.06. The department of commerce shall limit, revoke, or suspend an individual's license to practice as a licensed midwife, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate or restore a license, or reprimand or place on probation the holder of a license for any of the reasons specified in rules adopted under section 4724.11 of the Revised Code. 2827
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Sec. 4724.07. (A) This section establishes the process by which a licensed midwife obtains a patient's consent to treatment authorized by section 4724.05 of the Revised Code, including attending a home birth or providing care during a high-risk pregnancy. 2834
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(B) The following information shall be exchanged in writing between a licensed midwife and patient when obtaining consent to treatment as described in division (A) of this section: 2839
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<u>(1) The name and license number of the licensed midwife;</u>	2843
<u>(2) The patient's name, address, telephone number, and primary care provider, if the patient has one;</u>	2844
<u>(3) A description of the licensed midwife's education, training, and experience in midwifery;</u>	2846
<u>(4) A description of the licensed midwife's peer review process;</u>	2847
<u>(5) The licensed midwife's practice philosophy;</u>	2848
<u>(6) A promise to provide the patient, upon request, with separate documents describing the rules governing the practice of midwifery, including a list of conditions indicating the need for consultation, referral, transfer, or mandatory transfer and the licensed midwife's personal written practice guidelines;</u>	2850
<u>(7) A written plan for medical consultation and transfer of care;</u>	2851
<u>(8) A description of any hospital care and procedures that may be necessary in the event of an emergency transfer or care;</u>	2852
<u>(9) A description of the services provided to the patient by the licensed midwife;</u>	2853
<u>(10) That the licensed midwife holds a current, valid license to practice issued under this chapter;</u>	2854
<u>(11) The availability of a grievance process;</u>	2855
<u>(12) Whether the licensed midwife is covered by professional liability insurance;</u>	2856
<u>(13) Any other information required in rules adopted by the department.</u>	2857
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(C) Once the required information has been exchanged and 2869
if the patient consents to treatment, the patient and licensed 2870
midwife shall sign a written document to indicate as such. The 2871
licensed midwife shall retain a copy of the document for at 2872
least four years from the date on which the document was signed. 2873

Sec. 4724.08. (A) The department of commerce shall adopt 2874
rules establishing the circumstances in which a licensed midwife 2875
shall be prohibited from attending a home birth, which may 2876
include a high-risk pregnancy. In adopting the rules, the 2877
department shall allow a licensed midwife to attend a vaginal 2878
birth after cesarean, birth of twins, or breech birth as a home 2879
birth if the conditions described in division (B) of this 2880
section are satisfied. 2881

(B) In the event of a home birth described in division (A) 2882
of this section, a licensed midwife may attend the birth only if 2883
all of the following conditions are satisfied: 2884

(1) In addition to the informed consent required under 2885
section 4724.06 of the Revised Code, the licensed midwife 2886
obtains the patient's written informed consent for the vaginal 2887
birth after cesarean, birth of twins, or breech birth, including 2888
a description of risks associated with the procedure. 2889

(2) The licensed midwife consults with a physician or 2890
other health care provider about the patient and together with 2891
the physician or provider determines whether referral is 2892
appropriate for the patient. If a referral is determined to be 2893
appropriate and the patient consents to the referral, the 2894
licensed midwife shall refer the patient to the physician or 2895
provider. If the patient refuses the referral, the licensed 2896
midwife shall document the refusal and may continue to provide 2897
care to the patient, including attending the vaginal birth after 2898

<u>cesarean, birth of twins, or breech birth.</u>	2899
<u>(3) The licensed midwife satisfies any other conditions</u>	2900
<u>required in rules adopted by the department.</u>	2901
<u>(C) In adopting rules under this section, the department</u>	2902
<u>shall do both of the following:</u>	2903
<u>(1) Adhere to the recommendations of the licensed</u>	2904
<u>midwifery advisory council and any relevant peer-reviewed</u>	2905
<u>medical literature;</u>	2906
<u>(2) Specify the content and format of the document to be</u>	2907
<u>used when obtaining informed consent as described in this</u>	2908
<u>section.</u>	2909
Sec. 4724.09. <u>(A) As used in this section and section</u>	2910
<u>4724.10 of the Revised Code, "emergency medical service,"</u>	2911
<u>"emergency medical service personnel," and "emergency medical</u>	2912
<u>service organization" have the same meanings as in section</u>	2913
<u>4765.01 of the Revised Code.</u>	2914
<u>(B) For any pregnancy or childbirth in which a licensed</u>	2915
<u>midwife provides care and a home birth is planned, both of the</u>	2916
<u>following apply:</u>	2917
<u>(1) The licensed midwife shall create an individualized</u>	2918
<u>transfer of care plan with each patient.</u>	2919
<u>(2) The licensed midwife shall assess the status of the</u>	2920
<u>patient, fetus, and newborn throughout the maternity care cycle</u>	2921
<u>and shall determine when or if a transfer to a hospital or</u>	2922
<u>facility is necessary.</u>	2923
<u>(C) Each individualized transfer of care plan shall</u>	2924
<u>contain all of the following:</u>	2925

(1) The name and location of geographically adjacent hospitals and other facilities that are appropriately equipped to provide emergency care, obstetrical care, and newborn care; 2926
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(2) The approximate travel time to each hospital or facility; 2929
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(3) A list of the modes of transport services available, including an emergency medical service organization available by calling 9-1-1; 2931
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(4) The requirements for activating each mode of transportation; 2934
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(5) The mechanism by which medical records and other information concerning the patient may be rapidly transmitted to each hospital or facility; 2936
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(6) Each hospital's or facility's preferences regarding the registration of a patient prior to transfer as well as the hospital's or facility's procedures for confirming such a registration; 2939
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(7) Contact information for either a health care provider or practice group who has agreed in advance to accept patients in transfer, or a hospital's or facility's preferred method of accessing care by the hospital's or facility's designated provider on call; 2943
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(8) Any other information required in rules adopted by the department of commerce. 2948
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(D) When it becomes necessary to transfer a patient, a licensed midwife shall notify the receiving provider, hospital, or facility of all of the following: 2950
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(1) The incoming transfer; 2953

<u>(2) The reason for the transfer;</u>	2954
<u>(3) A brief relevant clinical history;</u>	2955
<u>(4) The planned mode of transport;</u>	2956
<u>(5) The expected time of arrival;</u>	2957
<u>(6) Any other information required in rules adopted by the</u> <u>department.</u>	2958 2959
<u>The licensed midwife shall continue to provide routine or</u>	2960
<u>urgent care en route in coordination with any emergency medical</u>	2961
<u>services personnel or emergency medical service organization and</u>	2962
<u>shall address the psychosocial needs of the patient during the</u>	2963
<u>change of birth setting.</u>	2964
<u>(E) On arrival at the hospital or facility, the licensed</u>	2965
<u>midwife shall do all of the following:</u>	2966
<u>(1) Provide a verbal report that includes details on the</u>	2967
<u>patient's current health status and the need for urgent care;</u>	2968
<u>(2) Provide a legible copy of relevant prenatal and labor</u>	2969
<u>medical records;</u>	2970
<u>(3) Transfer clinical responsibility to the receiving</u>	2971
<u>provider, hospital, or facility;</u>	2972
<u>(4) Satisfy any other requirement established in rules</u>	2973
<u>adopted by the department.</u>	2974
<u>If the patient chooses, the licensed midwife may remain at</u>	2975
<u>the hospital or facility to provide continuous support. The</u>	2976
<u>licensed midwife also may continue to provide midwifery</u>	2977
<u>services, but only if the hospital or facility has granted the</u>	2978
<u>licensed midwife clinical privileges. Whenever possible, the</u>	2979
<u>patient and her newborn shall be together during the transfer</u>	2980

and after admission to the hospital or facility. 2981

Sec. 4724.10. (A) As used in this section, "adverse 2982
incident" means an incident over which a licensed midwife could 2983
exercise control, that is associated with an attempted or 2984
completed birth in a setting or facility other than a hospital, 2985
and that results in one or more of the following injuries or 2986
conditions: 2987

(1) A maternal death that occurs during delivery or within 2988
forty-two days after delivery; 2989

(2) The transfer of a maternal patient to a hospital 2990
intensive care unit; 2991

(3) A maternal patient experiencing hemorrhagic shock or 2992
requiring a transfusion of more than four units of blood or 2993
blood products; 2994

(4) A fetal or newborn death, including a stillbirth, 2995
associated with an obstetrical delivery; 2996

(5) A transfer of a newborn to a neonatal intensive care 2997
unit due to a traumatic physical or neurological birth injury, 2998
including any degree of a brachial plexus injury; 2999

(6) A transfer of a newborn to a neonatal intensive care 3000
unit within the first seventy-two hours after birth if the 3001
newborn remains in such unit for more than seventy-two hours; 3002

(7) Any other condition as determined by the department of 3003
commerce in rules adopted under section 4724.11 of the Revised 3004
Code. 3005

(B) Beginning July 1, 2025, a licensed midwife who attends 3006
a birth planned for a facility or setting other than a hospital 3007
must report any adverse incident, along with a medical summary 3008

of events, to both of the following within fifteen days after 3009
the adverse incident occurs: 3010

(1) The licensed midwifery advisory council; 3011

(2) The Ohio perinatal quality collaborative. 3012

(C) Beginning on the date that is one year after the 3013
effective date of this section, each licensed midwife shall 3014
report annually to the licensed midwifery advisory council the 3015
following information regarding cases in which the licensed 3016
midwife provided services when the intended place of birth at 3017
the onset of care was in a facility or setting other than a 3018
hospital: 3019

(1) The total number of patients provided licensed 3020
midwifery services at the onset of care; 3021

(2) The number of live births attended; 3022

(3) The number of cases of fetal demise, newborn deaths, 3023
and maternal deaths attended as a licensed midwife at the 3024
discovery of the demise or death; 3025

(4) The number, reason for, and outcome of each transport 3026
of a patient in the antepartum, intrapartum period, or immediate 3027
postpartum period; 3028

(5) A brief description of any complications resulting in 3029
the morbidity or mortality of a maternal patient or a newborn; 3030

(6) The planned delivery setting and the actual setting; 3031

(7) Any other information required in rules adopted by the 3032
department of commerce. 3033

(D) The department shall adopt rules to implement this 3034
section and shall develop a form to be used for the reporting 3035

required under divisions (B) and (C) of this section. 3036

Sec. 4724.11. (A) In accordance with Chapter 119. of the 3037
Revised Code, the department of commerce shall adopt rules that 3038
establish all of the following: 3039

(1) Standards and procedures for applying for, renewing, 3040
reinstating, or restoring a license to practice as a licensed 3041
midwife; 3042

(2) Application, renewal, reinstatement, and restoration 3043
fee amounts for a license to practice as a licensed midwife, 3044
with the amount of the application fee not to exceed forty-five 3045
dollars and the amount of the renewal fee not to exceed twenty 3046
dollars; 3047

(3) Standards and procedures for approving and 3048
successfully completing a course of study in breech births and a 3049
course of study in pharmacology, each as described in section 3050
4724.03 of the Revised Code; 3051

(4) Subject to division (C) of this section, standards and 3052
procedures for approving certifying organizations as described 3053
in section 4724.03 of the Revised Code; 3054

(5) Reasons for which the department may refuse to issue, 3055
or renew, suspend, or revoke a license or otherwise impose 3056
discipline on a licensed midwife; 3057

(6) Conditions to be satisfied before the department 3058
reinstates or restores an expired or inactive license; 3059

(7) Procedures for reporting to the department license 3060
holder misconduct; 3061

(8) Procedures by which the department conducts 3062
disciplinary investigations. 3063

(B) In adopting rules establishing standards and 3064
procedures for the approval of certifying organizations, the 3065
department shall approve an organization only if its 3066
certification requirements meet or exceed those of the north 3067
American registry of midwives or the international registry of 3068
midwives. 3069

(C) The department also may adopt, in accordance with 3070
Chapter 119. of the Revised Code, any other rules it considers 3071
necessary to implement and administer this chapter. The rules 3072
may require the completion of a criminal records check. 3073

Sec. 4724.12. This chapter does not abridge, change, or 3074
limit in any way the right of a parent to deliver the parent's 3075
baby where, when, how, and with whom the parent chooses, 3076
regardless of the licensure requirements established in this 3077
chapter. 3078

Sec. 4724.13. (A) There is hereby created within the 3079
department of commerce the licensed midwifery advisory council. 3080
The council shall consist of all of the following members: 3081

(1) One certified nurse-midwife and one certified midwife 3082
or certified nurse-midwife, including, if applicable, the 3083
certified nurse-midwife or certified midwife appointed to the 3084
board of nursing as described in section 4723.02 of the Revised 3085
Code; 3086

(2) Four licensed midwives, including one practicing in an 3087
urban setting and one serving a plain Amish or Mennonite 3088
community; 3089

(3) One physician who is board-certified in obstetrics and 3090
gynecology, as those designations are issued by a medical 3091
specialty certifying board recognized by the American board of 3092

medical specialties or American osteopathic association, and 3093
with experience consulting with midwives who provide midwifery 3094
services in locations other than hospitals; 3095

(4) One physician who is board-certified in neonatal 3096
medicine, as that designation is issued by a medical specialty 3097
certifying board recognized by the American board of medical 3098
specialties or American osteopathic association, and with 3099
experience consulting with midwives who provide midwifery 3100
services in locations other than hospitals; 3101

(5) One member of the public who has experience utilizing 3102
or receiving midwifery services in locations other than 3103
hospitals. 3104

Of the members who are certified midwives or licensed 3105
midwives, each shall obtain licensure as a certified midwife 3106
under Chapter 4723. of the Revised Code or as a licensed midwife 3107
under this chapter not later than January 1, 2026. 3108

(B) The department shall appoint the members described in 3109
division (A) of this section. The department may solicit 3110
nominations for initial appointments and for filling any 3111
vacancies from individuals or organizations with an interest in 3112
midwifery services. If the department does not receive any 3113
nominations or receives an insufficient number of nominations, 3114
the department shall appoint members and fill vacancies on its 3115
own advice. 3116

Of the physician members described in divisions (A) (3) and 3117
(4) of this section, if the department does not receive any 3118
nominations for physicians with experience consulting with 3119
midwives who provide midwifery services in locations other than 3120
hospitals, the department shall appoint physicians without such 3121

experience, but only if the department determines that each 3122
physician satisfies the other requirements of division (A) (3) or 3123
(4) of this section. 3124

Initial appointments to the council shall be made not 3125
later than ninety days after the effective date of this section. 3126
Of the initial appointments described in division (A) of this 3127
section, four shall be for terms of three years and five shall 3128
be for terms of four years. Thereafter, terms shall be for four 3129
years, with each term ending on the same day of the same month 3130
as did the term that it succeeds. Vacancies shall be filled in 3131
the same manner as appointments. 3132

When the term of any member expires, a successor shall be 3133
appointed in the same manner as the initial appointment. Any 3134
member appointed to fill a vacancy occurring prior to the 3135
expiration of the term for which the member's predecessor was 3136
appointed shall hold office for the remainder of that term. A 3137
member shall continue in office subsequent to the expiration 3138
date of the member's term until the member's successor takes 3139
office or until a period of sixty days has elapsed, whichever 3140
occurs first. A member may be reappointed. 3141

(C) The council shall organize by selecting a chairperson 3142
from among its members. The council may select a new chairperson 3143
at any time. Four members constitute a quorum for the 3144
transaction of official business. Members shall serve without 3145
compensation but shall receive payment for their actual and 3146
necessary expenses incurred in the performance of their official 3147
duties. The expenses shall be paid by the department. 3148

(D) The council shall advise and make recommendations to 3149
the department regarding the practice and regulation of licensed 3150
midwives. The department shall adhere to such advice and 3151

recommendations when adopting any rules governing the practice 3152
of licensed midwives, including rules to address the following: 3153

(1) Circumstances in which attending a home birth is 3154
prohibited, as described in section 4724.08 of the Revised Code; 3155

(2) Limitations on providing care during a high-risk 3156
pregnancy, including when a home birth is planned; 3157

(3) Adverse incident reporting and annual reporting, both 3158
required under section 4724.10 of the Revised Code; 3159

(4) Obtaining a patient's informed consent, as described 3160
in section 4724.07 of the Revised Code; 3161

(5) Creating an individualized transfer of care plan, as 3162
described in section 4724.09 of the Revised Code. 3163

(E) The council shall review each adverse incident report 3164
submitted to the council as described in section 4724.10 of the 3165
Revised Code. As soon as practicable after the required review, 3166
the council shall make a recommendation to the department 3167
regarding whether discipline should be imposed on the licensed 3168
midwife, and if so, the type of discipline to be imposed. 3169

The council shall develop a policy by which it addresses 3170
and considers adverse incident reports. 3171

Sec. 4724.99. (A) Whoever violates division (A) of section 3172
4724.02 of the Revised Code is guilty of a felony of the fifth 3173
degree on a first offense and a felony of the fourth degree on 3174
each subsequent offense. 3175

(B) Whoever violates division (C) of section 4724.02 of 3176
the Revised Code is guilty of a misdemeanor of the first degree 3177
and is subject to a fine in the amount of one thousand dollars 3178
and a jail term of not more than one hundred eighty days. 3179

Sec. 4731.22. (A) The state medical board, by an 3180
affirmative vote of not fewer than six of its members, may 3181
limit, revoke, or suspend a license or certificate to practice 3182
or certificate to recommend, refuse to grant a license or 3183
certificate, refuse to renew a license or certificate, refuse to 3184
reinstate a license or certificate, or reprimand or place on 3185
probation the holder of a license or certificate if the 3186
individual applying for or holding the license or certificate is 3187
found by the board to have committed fraud during the 3188
administration of the examination for a license or certificate 3189
to practice or to have committed fraud, misrepresentation, or 3190
deception in applying for, renewing, or securing any license or 3191
certificate to practice or certificate to recommend issued by 3192
the board. 3193

(B) Except as provided in division (P) of this section, 3194
the board, by an affirmative vote of not fewer than six members, 3195
shall, to the extent permitted by law, limit, revoke, or suspend 3196
a license or certificate to practice or certificate to 3197
recommend, refuse to issue a license or certificate, refuse to 3198
renew a license or certificate, refuse to reinstate a license or 3199
certificate, or reprimand or place on probation the holder of a 3200
license or certificate for one or more of the following reasons: 3201

(1) Permitting one's name or one's license or certificate 3202
to practice to be used by a person, group, or corporation when 3203
the individual concerned is not actually directing the treatment 3204
given; 3205

(2) Failure to maintain minimal standards applicable to 3206
the selection or administration of drugs, or failure to employ 3207
acceptable scientific methods in the selection of drugs or other 3208
modalities for treatment of disease; 3209

(3) Except as provided in section 4731.97 of the Revised Code, selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug;

(4) Willfully betraying a professional confidence.

For purposes of this division, "willfully betraying a professional confidence" does not include providing any information, documents, or reports under sections 307.621 to 307.629 of the Revised Code to a child fatality review board; does not include providing any information, documents, or reports under sections 307.631 to 307.6410 of the Revised Code to a drug overdose fatality review committee, a suicide fatality review committee, or hybrid drug overdose fatality and suicide fatality review committee; does not include providing any information, documents, or reports under sections 307.651 to 307.659 of the Revised Code to a domestic violence fatality review board; does not include providing any information, documents, or reports to the director of health pursuant to guidelines established under section 3701.70 of the Revised Code; does not include written notice to a mental health professional under section 4731.62 of the Revised Code; and does not include the making of a report of an employee's use of a drug of abuse, or a report of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by section 2305.33 or

4731.62 of the Revised Code upon a physician who makes a report 3241
in accordance with section 2305.33 or notifies a mental health 3242
professional in accordance with section 4731.62 of the Revised 3243
Code. As used in this division, "employee," "employer," and 3244
"physician" have the same meanings as in section 2305.33 of the 3245
Revised Code. 3246

(5) Making a false, fraudulent, deceptive, or misleading 3247
statement in the solicitation of or advertising for patients; in 3248
relation to the practice of medicine and surgery, osteopathic 3249
medicine and surgery, podiatric medicine and surgery, or a 3250
limited branch of medicine; or in securing or attempting to 3251
secure any license or certificate to practice issued by the 3252
board. 3253

As used in this division, "false, fraudulent, deceptive, 3254
or misleading statement" means a statement that includes a 3255
misrepresentation of fact, is likely to mislead or deceive 3256
because of a failure to disclose material facts, is intended or 3257
is likely to create false or unjustified expectations of 3258
favorable results, or includes representations or implications 3259
that in reasonable probability will cause an ordinarily prudent 3260
person to misunderstand or be deceived. 3261

(6) A departure from, or the failure to conform to, 3262
minimal standards of care of similar practitioners under the 3263
same or similar circumstances, whether or not actual injury to a 3264
patient is established; 3265

(7) Representing, with the purpose of obtaining 3266
compensation or other advantage as personal gain or for any 3267
other person, that an incurable disease or injury, or other 3268
incurable condition, can be permanently cured; 3269

(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;	3270 3271 3272
(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	3273 3274 3275
(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	3276 3277 3278
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	3279 3280 3281 3282
(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	3283 3284 3285
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	3286 3287 3288
(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	3289 3290 3291
(15) Violation of the conditions of limitation placed by the board upon a license or certificate to practice;	3292 3293
(16) Failure to pay license renewal fees specified in this chapter;	3294 3295
(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of	3296 3297

patients, or the receiving of a thing of value in return for a 3298
specific referral of a patient to utilize a particular service 3299
or business; 3300

(18) Subject to section 4731.226 of the Revised Code, 3301
violation of any provision of a code of ethics of the American 3302
medical association, the American osteopathic association, the 3303
American podiatric medical association, or any other national 3304
professional organizations that the board specifies by rule. The 3305
state medical board shall obtain and keep on file current copies 3306
of the codes of ethics of the various national professional 3307
organizations. The individual whose license or certificate is 3308
being suspended or revoked shall not be found to have violated 3309
any provision of a code of ethics of an organization not 3310
appropriate to the individual's profession. 3311

For purposes of this division, a "provision of a code of 3312
ethics of a national professional organization" does not include 3313
any provision that would preclude the making of a report by a 3314
physician of an employee's use of a drug of abuse, or of a 3315
condition of an employee other than one involving the use of a 3316
drug of abuse, to the employer of the employee as described in 3317
division (B) of section 2305.33 of the Revised Code. Nothing in 3318
this division affects the immunity from civil liability 3319
conferred by that section upon a physician who makes either type 3320
of report in accordance with division (B) of that section. As 3321
used in this division, "employee," "employer," and "physician" 3322
have the same meanings as in section 2305.33 of the Revised 3323
Code. 3324

(19) Inability to practice according to acceptable and 3325
prevailing standards of care by reason of mental illness or 3326
physical illness, including, but not limited to, physical 3327

deterioration that adversely affects cognitive, motor, or 3328
perceptive skills. 3329

In enforcing this division, the board, upon a showing of a 3330
possible violation, shall refer any individual who is authorized 3331
to practice by this chapter or who has submitted an application 3332
pursuant to this chapter to the monitoring organization that 3333
conducts the confidential monitoring program established under 3334
section 4731.25 of the Revised Code. The board also may compel 3335
the individual to submit to a mental examination, physical 3336
examination, including an HIV test, or both a mental and a 3337
physical examination. The expense of the examination is the 3338
responsibility of the individual compelled to be examined. 3339
Failure to submit to a mental or physical examination or consent 3340
to an HIV test ordered by the board constitutes an admission of 3341
the allegations against the individual unless the failure is due 3342
to circumstances beyond the individual's control, and a default 3343
and final order may be entered without the taking of testimony 3344
or presentation of evidence. If the board finds an individual 3345
unable to practice because of the reasons set forth in this 3346
division, the board shall require the individual to submit to 3347
care, counseling, or treatment by physicians approved or 3348
designated by the board, as a condition for initial, continued, 3349
reinstated, or renewed authority to practice. An individual 3350
affected under this division shall be afforded an opportunity to 3351
demonstrate to the board the ability to resume practice in 3352
compliance with acceptable and prevailing standards under the 3353
provisions of the individual's license or certificate. For the 3354
purpose of this division, any individual who applies for or 3355
receives a license or certificate to practice under this chapter 3356
accepts the privilege of practicing in this state and, by so 3357
doing, shall be deemed to have given consent to submit to a 3358

mental or physical examination when directed to do so in writing 3359
by the board, and to have waived all objections to the 3360
admissibility of testimony or examination reports that 3361
constitute a privileged communication. 3362

(20) Except as provided in division (F)(1)(b) of section 3363
4731.282 of the Revised Code or when civil penalties are imposed 3364
under section 4731.225 of the Revised Code, and subject to 3365
section 4731.226 of the Revised Code, violating or attempting to 3366
violate, directly or indirectly, or assisting in or abetting the 3367
violation of, or conspiring to violate, any provisions of this 3368
chapter or any rule promulgated by the board. 3369

This division does not apply to a violation or attempted 3370
violation of, assisting in or abetting the violation of, or a 3371
conspiracy to violate, any provision of this chapter or any rule 3372
adopted by the board that would preclude the making of a report 3373
by a physician of an employee's use of a drug of abuse, or of a 3374
condition of an employee other than one involving the use of a 3375
drug of abuse, to the employer of the employee as described in 3376
division (B) of section 2305.33 of the Revised Code. Nothing in 3377
this division affects the immunity from civil liability 3378
conferred by that section upon a physician who makes either type 3379
of report in accordance with division (B) of that section. As 3380
used in this division, "employee," "employer," and "physician" 3381
have the same meanings as in section 2305.33 of the Revised 3382
Code. 3383

(21) The violation of section 3701.79 of the Revised Code 3384
or of any abortion rule adopted by the director of health 3385
pursuant to section 3701.341 of the Revised Code; 3386

(22) Any of the following actions taken by an agency 3387
responsible for authorizing, certifying, or regulating an 3388

individual to practice a health care occupation or provide 3389
health care services in this state or another jurisdiction, for 3390
any reason other than the nonpayment of fees: the limitation, 3391
revocation, or suspension of an individual's license to 3392
practice; acceptance of an individual's license surrender; 3393
denial of a license; refusal to renew or reinstate a license; 3394
imposition of probation; or issuance of an order of censure or 3395
other reprimand; 3396

(23) The violation of section 2919.12 of the Revised Code 3397
or the performance or inducement of an abortion upon a pregnant 3398
woman with actual knowledge that the conditions specified in 3399
division (B) of section 2317.56 of the Revised Code have not 3400
been satisfied or with a heedless indifference as to whether 3401
those conditions have been satisfied, unless an affirmative 3402
defense as specified in division (H) (2) of that section would 3403
apply in a civil action authorized by division (H) (1) of that 3404
section; 3405

(24) The revocation, suspension, restriction, reduction, 3406
or termination of clinical privileges by the United States 3407
department of defense or department of veterans affairs or the 3408
termination or suspension of a certificate of registration to 3409
prescribe drugs by the drug enforcement administration of the 3410
United States department of justice; 3411

(25) Termination or suspension from participation in the 3412
medicare or medicaid programs by the department of health and 3413
human services or other responsible agency; 3414

(26) Impairment of ability to practice according to 3415
acceptable and prevailing standards of care because of substance 3416
use disorder or excessive use or abuse of drugs, alcohol, or 3417
other substances that may impair ability to practice. 3418

For the purposes of this division, any individual 3419
authorized to practice by this chapter accepts the privilege of 3420
practicing in this state subject to supervision by the board. By 3421
filing an application for or holding a license or certificate to 3422
practice under this chapter, an individual shall be deemed to 3423
have given consent to submit to a mental or physical examination 3424
when ordered to do so by the board in writing, and to have 3425
waived all objections to the admissibility of testimony or 3426
examination reports that constitute privileged communications. 3427

If it has reason to believe that any individual authorized 3428
to practice by this chapter or any applicant for licensure or 3429
certification to practice suffers such impairment, the board 3430
shall refer the individual to the monitoring organization that 3431
conducts the confidential monitoring program established under 3432
section 4731.25 of the Revised Code. The board also may compel 3433
the individual to submit to a mental or physical examination, or 3434
both. The expense of the examination is the responsibility of 3435
the individual compelled to be examined. Any mental or physical 3436
examination required under this division shall be undertaken by 3437
a treatment provider or physician who is qualified to conduct 3438
the examination and who is approved under section 4731.251 of 3439
the Revised Code. 3440

Failure to submit to a mental or physical examination 3441
ordered by the board constitutes an admission of the allegations 3442
against the individual unless the failure is due to 3443
circumstances beyond the individual's control, and a default and 3444
final order may be entered without the taking of testimony or 3445
presentation of evidence. If the board determines that the 3446
individual's ability to practice is impaired, the board shall 3447
suspend the individual's license or certificate or deny the 3448
individual's application and shall require the individual, as a 3449

condition for initial, continued, reinstated, or renewed 3450
licensure or certification to practice, to submit to treatment. 3451

Before being eligible to apply for reinstatement of a 3452
license or certificate suspended under this division, the 3453
impaired practitioner shall demonstrate to the board the ability 3454
to resume practice in compliance with acceptable and prevailing 3455
standards of care under the provisions of the practitioner's 3456
license or certificate. The demonstration shall include, but 3457
shall not be limited to, the following: 3458

(a) Certification from a treatment provider approved under 3459
section 4731.251 of the Revised Code that the individual has 3460
successfully completed any required inpatient treatment; 3461

(b) Evidence of continuing full compliance with an 3462
aftercare contract or consent agreement; 3463

(c) Two written reports indicating that the individual's 3464
ability to practice has been assessed and that the individual 3465
has been found capable of practicing according to acceptable and 3466
prevailing standards of care. The reports shall be made by 3467
individuals or providers approved by the board for making the 3468
assessments and shall describe the basis for their 3469
determination. 3470

The board may reinstate a license or certificate suspended 3471
under this division after that demonstration and after the 3472
individual has entered into a written consent agreement. 3473

When the impaired practitioner resumes practice, the board 3474
shall require continued monitoring of the individual. The 3475
monitoring shall include, but not be limited to, compliance with 3476
the written consent agreement entered into before reinstatement 3477
or with conditions imposed by board order after a hearing, and, 3478

upon termination of the consent agreement, submission to the 3479
board for at least two years of annual written progress reports 3480
made under penalty of perjury stating whether the individual has 3481
maintained sobriety. 3482

(27) A second or subsequent violation of section 4731.66 3483
or 4731.69 of the Revised Code; 3484

(28) Except as provided in division (N) of this section: 3485

(a) Waiving the payment of all or any part of a deductible 3486
or copayment that a patient, pursuant to a health insurance or 3487
health care policy, contract, or plan that covers the 3488
individual's services, otherwise would be required to pay if the 3489
waiver is used as an enticement to a patient or group of 3490
patients to receive health care services from that individual; 3491

(b) Advertising that the individual will waive the payment 3492
of all or any part of a deductible or copayment that a patient, 3493
pursuant to a health insurance or health care policy, contract, 3494
or plan that covers the individual's services, otherwise would 3495
be required to pay. 3496

(29) Failure to use universal blood and body fluid 3497
precautions established by rules adopted under section 4731.051 3498
of the Revised Code; 3499

(30) Failure to provide notice to, and receive 3500
acknowledgment of the notice from, a patient when required by 3501
section 4731.143 of the Revised Code prior to providing 3502
nonemergency professional services, or failure to maintain that 3503
notice in the patient's medical record; 3504

(31) Failure of a physician supervising a physician 3505
assistant to maintain supervision in accordance with the 3506
requirements of Chapter 4730. of the Revised Code and the rules 3507

adopted under that chapter;	3508
(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a <u>certified midwife</u> , clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;	3509 3510 3511 3512 3513 3514 3515
(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code;	3516 3517 3518
(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	3519 3520 3521 3522 3523 3524 3525 3526 3527 3528 3529
(35) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	3530 3531 3532
(36) Assisting suicide, as defined in section 3795.01 of the Revised Code;	3533 3534
(37) Failure to comply with the requirements of section 2317.561 of the Revised Code;	3535 3536

(38) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	3537 3538 3539
(39) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	3540 3541 3542 3543
(40) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	3544 3545 3546 3547
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	3548 3549 3550 3551
(42) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	3552 3553 3554 3555
(43) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;	3556 3557 3558 3559 3560
(44) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	3561 3562 3563 3564 3565

(45) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	3566 3567 3568 3569
(46) Failure to comply with any of the requirements regarding making or maintaining medical records or documents described in division (A) of section 2919.192, division (C) of section 2919.193, division (B) of section 2919.195, or division (A) of section 2919.196 of the Revised Code;	3570 3571 3572 3573 3574
(47) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	3575 3576 3577 3578
(48) Failure to comply with the requirements of section 4731.30 of the Revised Code or rules adopted under section 4731.301 of the Revised Code when recommending treatment with medical marijuana;	3579 3580 3581 3582
(49) A pattern of continuous or repeated violations of division (E) (2) or (3) of section 3963.02 of the Revised Code;	3583 3584
(50) Failure to fulfill the responsibilities of a collaboration agreement entered into with an athletic trainer as described in section 4755.621 of the Revised Code;	3585 3586 3587
(51) Failure to take the steps specified in section 4731.911 of the Revised Code following an abortion or attempted abortion in an ambulatory surgical facility or other location that is not a hospital when a child is born alive.	3588 3589 3590 3591
(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except	3592 3593 3594

that in lieu of an adjudication, the board may enter into a 3595
consent agreement with an individual to resolve an allegation of 3596
a violation of this chapter or any rule adopted under it. A 3597
consent agreement, when ratified by an affirmative vote of not 3598
fewer than six members of the board, shall constitute the 3599
findings and order of the board with respect to the matter 3600
addressed in the agreement. If the board refuses to ratify a 3601
consent agreement, the admissions and findings contained in the 3602
consent agreement shall be of no force or effect. 3603

A telephone conference call may be utilized for 3604
ratification of a consent agreement that revokes or suspends an 3605
individual's license or certificate to practice or certificate 3606
to recommend. The telephone conference call shall be considered 3607
a special meeting under division (F) of section 121.22 of the 3608
Revised Code. 3609

If the board takes disciplinary action against an 3610
individual under division (B) of this section for a second or 3611
subsequent plea of guilty to, or judicial finding of guilt of, a 3612
violation of section 2919.123 or 2919.124 of the Revised Code, 3613
the disciplinary action shall consist of a suspension of the 3614
individual's license or certificate to practice for a period of 3615
at least one year or, if determined appropriate by the board, a 3616
more serious sanction involving the individual's license or 3617
certificate to practice. Any consent agreement entered into 3618
under this division with an individual that pertains to a second 3619
or subsequent plea of guilty to, or judicial finding of guilt 3620
of, a violation of that section shall provide for a suspension 3621
of the individual's license or certificate to practice for a 3622
period of at least one year or, if determined appropriate by the 3623
board, a more serious sanction involving the individual's 3624
license or certificate to practice. 3625

(D) For purposes of divisions (B) (10), (12), and (14) of 3626
this section, the commission of the act may be established by a 3627
finding by the board, pursuant to an adjudication under Chapter 3628
119. of the Revised Code, that the individual committed the act. 3629
The board does not have jurisdiction under those divisions if 3630
the trial court renders a final judgment in the individual's 3631
favor and that judgment is based upon an adjudication on the 3632
merits. The board has jurisdiction under those divisions if the 3633
trial court issues an order of dismissal upon technical or 3634
procedural grounds. 3635

(E) The sealing or expungement of conviction records by 3636
any court shall have no effect upon a prior board order entered 3637
under this section or upon the board's jurisdiction to take 3638
action under this section if, based upon a plea of guilty, a 3639
judicial finding of guilt, or a judicial finding of eligibility 3640
for intervention in lieu of conviction, the board issued a 3641
notice of opportunity for a hearing prior to the court's order 3642
to seal or expunge the records. The board shall not be required 3643
to seal, expunge, destroy, redact, or otherwise modify its 3644
records to reflect the court's sealing of conviction records. 3645

(F) (1) The board shall investigate evidence that appears 3646
to show that a person has violated any provision of this chapter 3647
or any rule adopted under it. Any person may report to the board 3648
in a signed writing any information that the person may have 3649
that appears to show a violation of any provision of this 3650
chapter or any rule adopted under it. In the absence of bad 3651
faith, any person who reports information of that nature or who 3652
testifies before the board in any adjudication conducted under 3653
Chapter 119. of the Revised Code shall not be liable in damages 3654
in a civil action as a result of the report or testimony. Each 3655
complaint or allegation of a violation received by the board 3656

shall be assigned a case number and shall be recorded by the board. 3657
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(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4731.39 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. No member of the board who supervises the investigation of a case shall participate in further adjudication of the case. 3659
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(3) In investigating a possible violation of this chapter or any rule adopted under this chapter, or in conducting an inspection under division (E) of section 4731.054 of the Revised Code, the board may question witnesses, conduct interviews, administer oaths, order the taking of depositions, inspect and copy any books, accounts, papers, records, or documents, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary of the board. 3668
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(a) Before issuance of a subpoena for patient record information, the secretary shall determine whether there is probable cause to believe that the complaint filed alleges a violation of this chapter or any rule adopted under it and that the records sought are relevant to the alleged violation and material to the investigation. The subpoena may apply only to records that cover a reasonable period of time surrounding the alleged violation. 3679
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(b) On failure to comply with any subpoena issued by the board and after reasonable notice to the person being subpoenaed, the board may move for an order compelling the production of persons or records pursuant to the Rules of Civil Procedure.

(c) A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee or agent designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence, usual place of business, or address on file with the board. When serving a subpoena to an applicant for or the holder of a license or certificate issued under this chapter, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. If the person being served refuses to accept the subpoena or is not located, service may be made to an attorney who notifies the board that the attorney is representing the person.

(d) A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation or pursuant to an inspection under

division (E) of section 4731.054 of the Revised Code is 3717
confidential and not subject to discovery in any civil action. 3718

The board shall conduct all investigations or inspections 3719
and proceedings in a manner that protects the confidentiality of 3720
patients and persons who file complaints with the board. The 3721
board shall not make public the names or any other identifying 3722
information about patients or complainants unless proper consent 3723
is given or, in the case of a patient, a waiver of the patient 3724
privilege exists under division (B) of section 2317.02 of the 3725
Revised Code, except that consent or a waiver of that nature is 3726
not required if the board possesses reliable and substantial 3727
evidence that no bona fide physician-patient relationship 3728
exists. 3729

The board may share any information it receives pursuant 3730
to an investigation or inspection, including patient records and 3731
patient record information, with law enforcement agencies, other 3732
licensing boards, and other governmental agencies that are 3733
prosecuting, adjudicating, or investigating alleged violations 3734
of statutes or administrative rules. An agency or board that 3735
receives the information shall comply with the same requirements 3736
regarding confidentiality as those with which the state medical 3737
board must comply, notwithstanding any conflicting provision of 3738
the Revised Code or procedure of the agency or board that 3739
applies when it is dealing with other information in its 3740
possession. In a judicial proceeding, the information may be 3741
admitted into evidence only in accordance with the Rules of 3742
Evidence, but the court shall require that appropriate measures 3743
are taken to ensure that confidentiality is maintained with 3744
respect to any part of the information that contains names or 3745
other identifying information about patients or complainants 3746
whose confidentiality was protected by the state medical board 3747

when the information was in the board's possession. Measures to 3748
ensure confidentiality that may be taken by the court include 3749
sealing its records or deleting specific information from its 3750
records. 3751

(6) On a quarterly basis, the board shall prepare a report 3752
that documents the disposition of all cases during the preceding 3753
three months. The report shall contain the following information 3754
for each case with which the board has completed its activities: 3755

(a) The case number assigned to the complaint or alleged 3756
violation; 3757

(b) The type of license or certificate to practice, if 3758
any, held by the individual against whom the complaint is 3759
directed; 3760

(c) A description of the allegations contained in the 3761
complaint; 3762

(d) The disposition of the case. 3763

The report shall state how many cases are still pending 3764
and shall be prepared in a manner that protects the identity of 3765
each person involved in each case. The report shall be a public 3766
record under section 149.43 of the Revised Code. 3767

(G) If the secretary and supervising member determine both 3768
of the following, they may recommend that the board suspend an 3769
individual's license or certificate to practice or certificate 3770
to recommend without a prior hearing: 3771

(1) That there is clear and convincing evidence that an 3772
individual has violated division (B) of this section; 3773

(2) That the individual's continued practice presents a 3774
danger of immediate and serious harm to the public. 3775

Written allegations shall be prepared for consideration by 3776
the board. The board, upon review of those allegations and by an 3777
affirmative vote of not fewer than six of its members, excluding 3778
the secretary and supervising member, may suspend a license or 3779
certificate without a prior hearing. A telephone conference call 3780
may be utilized for reviewing the allegations and taking the 3781
vote on the summary suspension. 3782

The board shall serve a written order of suspension in 3783
accordance with sections 119.05 and 119.07 of the Revised Code. 3784
The order shall not be subject to suspension by the court during 3785
pendency of any appeal filed under section 119.12 of the Revised 3786
Code. If the individual subject to the summary suspension 3787
requests an adjudicatory hearing by the board, the date set for 3788
the hearing shall be within fifteen days, but not earlier than 3789
seven days, after the individual requests the hearing, unless 3790
otherwise agreed to by both the board and the individual. 3791

Any summary suspension imposed under this division shall 3792
remain in effect, unless reversed on appeal, until a final 3793
adjudicative order issued by the board pursuant to this section 3794
and Chapter 119. of the Revised Code becomes effective. The 3795
board shall issue its final adjudicative order within seventy- 3796
five days after completion of its hearing. A failure to issue 3797
the order within seventy-five days shall result in dissolution 3798
of the summary suspension order but shall not invalidate any 3799
subsequent, final adjudicative order. 3800

(H) If the board takes action under division (B) (9), (11), 3801
or (13) of this section and the judicial finding of guilt, 3802
guilty plea, or judicial finding of eligibility for intervention 3803
in lieu of conviction is overturned on appeal, upon exhaustion 3804
of the criminal appeal, a petition for reconsideration of the 3805

order may be filed with the board along with appropriate court 3806
documents. Upon receipt of a petition of that nature and 3807
supporting court documents, the board shall reinstate the 3808
individual's license or certificate to practice. The board may 3809
then hold an adjudication under Chapter 119. of the Revised Code 3810
to determine whether the individual committed the act in 3811
question. Notice of an opportunity for a hearing shall be given 3812
in accordance with Chapter 119. of the Revised Code. If the 3813
board finds, pursuant to an adjudication held under this 3814
division, that the individual committed the act or if no hearing 3815
is requested, the board may order any of the sanctions 3816
identified under division (B) of this section. 3817

(I) The license or certificate to practice issued to an 3818
individual under this chapter and the individual's practice in 3819
this state are automatically suspended as of the date of the 3820
individual's second or subsequent plea of guilty to, or judicial 3821
finding of guilt of, a violation of section 2919.123 or 2919.124 3822
of the Revised Code. In addition, the license or certificate to 3823
practice or certificate to recommend issued to an individual 3824
under this chapter and the individual's practice in this state 3825
are automatically suspended as of the date the individual pleads 3826
guilty to, is found by a judge or jury to be guilty of, or is 3827
subject to a judicial finding of eligibility for intervention in 3828
lieu of conviction in this state or treatment or intervention in 3829
lieu of conviction in another jurisdiction for any of the 3830
following criminal offenses in this state or a substantially 3831
equivalent criminal offense in another jurisdiction: aggravated 3832
murder, murder, voluntary manslaughter, felonious assault, 3833
kidnapping, rape, sexual battery, gross sexual imposition, 3834
aggravated arson, aggravated robbery, or aggravated burglary. 3835
Continued practice after suspension shall be considered 3836

practicing without a license or certificate. 3837

The board shall notify the individual subject to the 3838
suspension in accordance with sections 119.05 and 119.07 of the 3839
Revised Code. If an individual whose license or certificate is 3840
automatically suspended under this division fails to make a 3841
timely request for an adjudication under Chapter 119. of the 3842
Revised Code, the board shall do whichever of the following is 3843
applicable: 3844

(1) If the automatic suspension under this division is for 3845
a second or subsequent plea of guilty to, or judicial finding of 3846
guilt of, a violation of section 2919.123 or 2919.124 of the 3847
Revised Code, the board shall enter an order suspending the 3848
individual's license or certificate to practice for a period of 3849
at least one year or, if determined appropriate by the board, 3850
imposing a more serious sanction involving the individual's 3851
license or certificate to practice. 3852

(2) In all circumstances in which division (I)(1) of this 3853
section does not apply, enter a final order permanently revoking 3854
the individual's license or certificate to practice. 3855

(J) If the board is required by Chapter 119. of the 3856
Revised Code to give notice of an opportunity for a hearing and 3857
if the individual subject to the notice does not timely request 3858
a hearing in accordance with section 119.07 of the Revised Code, 3859
the board is not required to hold a hearing, but may adopt, by 3860
an affirmative vote of not fewer than six of its members, a 3861
final order that contains the board's findings. In that final 3862
order, the board may order any of the sanctions identified under 3863
division (A) or (B) of this section. 3864

(K) Any action taken by the board under division (B) of 3865

this section resulting in a suspension from practice shall be 3866
accompanied by a written statement of the conditions under which 3867
the individual's license or certificate to practice may be 3868
reinstated. The board shall adopt rules governing conditions to 3869
be imposed for reinstatement. Reinstatement of a license or 3870
certificate suspended pursuant to division (B) of this section 3871
requires an affirmative vote of not fewer than six members of 3872
the board. 3873

(L) When the board refuses to grant or issue a license or 3874
certificate to practice to an applicant, revokes an individual's 3875
license or certificate to practice, refuses to renew an 3876
individual's license or certificate to practice, or refuses to 3877
reinstatement an individual's license or certificate to practice, 3878
the board may specify that its action is permanent. An 3879
individual subject to a permanent action taken by the board is 3880
forever thereafter ineligible to hold a license or certificate 3881
to practice and the board shall not accept an application for 3882
reinstatement of the license or certificate or for issuance of a 3883
new license or certificate. 3884

(M) Notwithstanding any other provision of the Revised 3885
Code, all of the following apply: 3886

(1) The surrender of a license or certificate issued under 3887
this chapter shall not be effective unless or until accepted by 3888
the board. A telephone conference call may be utilized for 3889
acceptance of the surrender of an individual's license or 3890
certificate to practice. The telephone conference call shall be 3891
considered a special meeting under division (F) of section 3892
121.22 of the Revised Code. Reinstatement of a license or 3893
certificate surrendered to the board requires an affirmative 3894
vote of not fewer than six members of the board. 3895

(2) An application for a license or certificate made under 3896
the provisions of this chapter may not be withdrawn without 3897
approval of the board. 3898

(3) Failure by an individual to renew a license or 3899
certificate to practice in accordance with this chapter or a 3900
certificate to recommend in accordance with rules adopted under 3901
section 4731.301 of the Revised Code does not remove or limit 3902
the board's jurisdiction to take any disciplinary action under 3903
this section against the individual. 3904

(4) The placement of an individual's license on retired 3905
status, as described in section 4731.283 of the Revised Code, 3906
does not remove or limit the board's jurisdiction to take any 3907
disciplinary action against the individual with regard to the 3908
license as it existed before being placed on retired status. 3909

(5) At the request of the board, a license or certificate 3910
holder shall immediately surrender to the board a license or 3911
certificate that the board has suspended, revoked, or 3912
permanently revoked. 3913

(N) Sanctions shall not be imposed under division (B) (28) 3914
of this section against any person who waives deductibles and 3915
copayments as follows: 3916

(1) In compliance with the health benefit plan that 3917
expressly allows such a practice. Waiver of the deductibles or 3918
copayments shall be made only with the full knowledge and 3919
consent of the plan purchaser, payer, and third-party 3920
administrator. Documentation of the consent shall be made 3921
available to the board upon request. 3922

(2) For professional services rendered to any other person 3923
authorized to practice pursuant to this chapter, to the extent 3924

allowed by this chapter and rules adopted by the board. 3925

(0) Under the board's investigative duties described in 3926
this section and subject to division (F) of this section, the 3927
board shall develop and implement a quality intervention program 3928
designed to improve through remedial education the clinical and 3929
communication skills of individuals authorized under this 3930
chapter to practice medicine and surgery, osteopathic medicine 3931
and surgery, and podiatric medicine and surgery. In developing 3932
and implementing the quality intervention program, the board may 3933
do all of the following: 3934

(1) Offer in appropriate cases as determined by the board 3935
an educational and assessment program pursuant to an 3936
investigation the board conducts under this section; 3937

(2) Select providers of educational and assessment 3938
services, including a quality intervention program panel of case 3939
reviewers; 3940

(3) Make referrals to educational and assessment service 3941
providers and approve individual educational programs 3942
recommended by those providers. The board shall monitor the 3943
progress of each individual undertaking a recommended individual 3944
educational program. 3945

(4) Determine what constitutes successful completion of an 3946
individual educational program and require further monitoring of 3947
the individual who completed the program or other action that 3948
the board determines to be appropriate; 3949

(5) Adopt rules in accordance with Chapter 119. of the 3950
Revised Code to further implement the quality intervention 3951
program. 3952

An individual who participates in an individual 3953

educational program pursuant to this division shall pay the 3954
financial obligations arising from that educational program. 3955

(P) The board shall not refuse to issue a license to an 3956
applicant because of a conviction, plea of guilty, judicial 3957
finding of guilt, judicial finding of eligibility for 3958
intervention in lieu of conviction, or the commission of an act 3959
that constitutes a criminal offense, unless the refusal is in 3960
accordance with section 9.79 of the Revised Code. 3961

Sec. 4731.27. (A) As used in this section, 3962
"collaboration," "physician," "standard care arrangement," and 3963
"supervision" have the same meanings as in section 4723.01 of 3964
the Revised Code. 3965

(B) A physician or podiatrist shall enter into a standard 3966
care arrangement with each certified midwife, clinical nurse 3967
specialist, certified nurse-midwife, or certified nurse 3968
practitioner with whom the physician or podiatrist is in 3969
collaboration. 3970

The collaborating physician or podiatrist shall fulfill 3971
the responsibilities of collaboration, as specified in the 3972
arrangement and in accordance with division (A) of section 3973
4723.431 of the Revised Code. A copy of the standard care 3974
arrangement shall be retained on file by the midwife's or 3975
nurse's employer. Prior approval of the standard care 3976
arrangement by the state medical board is not required, but the 3977
board may periodically review it. 3978

A physician or podiatrist who terminates collaboration 3979
with a certified midwife, certified nurse-midwife, certified 3980
nurse practitioner, or clinical nurse specialist before their 3981
standard care arrangement expires shall give the midwife or 3982

nurse the written or electronic notice of termination required 3983
by division (D) (1) of section 4723.431 of the Revised Code. 3984

Nothing in this division prohibits a hospital from hiring 3985
a certified midwife, clinical nurse specialist, certified nurse- 3986
midwife, or certified nurse practitioner as an employee and 3987
negotiating standard care arrangements on behalf of the employee 3988
as necessary to meet the requirements of this section. A 3989
standard care arrangement between the hospital's employee and 3990
the employee's collaborating physician is subject to approval by 3991
the medical staff and governing body of the hospital prior to 3992
implementation of the arrangement at the hospital. 3993

(C) A physician or podiatrist shall cooperate with the 3994
board of nursing in any investigation the board conducts with 3995
respect to a certified midwife, clinical nurse specialist, 3996
certified nurse-midwife, or certified nurse practitioner who 3997
collaborates with the physician or podiatrist or with respect to 3998
a certified registered nurse anesthetist who practices with the 3999
supervision of the physician or podiatrist. 4000

Section 2. That existing sections 3701.351, 4723.01, 4001
4723.02, 4723.03, 4723.06, 4723.07, 4723.08, 4723.271, 4723.28, 4002
4723.282, 4723.33, 4723.34, 4723.341, 4723.35, 4723.41, 4723.43, 4003
4723.431, 4723.432, 4723.481, 4723.483, 4723.487, 4723.488, 4004
4723.4810, 4723.4811, 4723.50, 4723.91, 4723.99, 4731.22, and 4005
4731.27 of the Revised Code are hereby repealed. 4006

Section 3. Sections 4723.54 and 4724.02 of the Revised 4007
Code, as enacted by this act, take effect January 1, 2026. 4008

Section 4. The General Assembly, applying the principle 4009
stated in division (B) of section 1.52 of the Revised Code that 4010
amendments are to be harmonized if reasonably capable of 4011

simultaneous operation, finds that the following sections, 4012
presented in this act as composites of the sections as amended 4013
by the acts indicated, are the resulting versions of the 4014
sections in effect prior to the effective date of the sections 4015
as presented in this act: 4016

Section 4723.08 of the Revised Code as amended by both 4017
H.B. 509 and S.B. 131 of the 134th General Assembly. 4018

Section 4723.481 of the Revised Code as amended by H.B. 33 4019
of the 135th General Assembly and by H.B. 110 and H.B. 509 of 4020
the 134th General Assembly. 4021