

As Reported by the Senate Health Committee

135th General Assembly

Regular Session

2023-2024

Sub. S. B. No. 81

Senator Romanchuk

Cosponsors: Senators Roegner, Hackett, Ingram

A BILL

To amend sections 4723.431 and 4730.01 and to enact 1
sections 4723.436 and 4730.204 of the Revised 2
Code to authorize certain advanced practice 3
registered nurses to sign documents related to 4
psychiatric inpatients; to authorize physician 5
assistants to sign documents related to hospital 6
patients; and to amend the version of section 7
4723.431 of the Revised Code that is scheduled 8
to take effect on September 30, 2024, to 9
continue the changes to that section on and 10
after that date. 11

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

Section 1. That sections 4723.431 and 4730.01 be amended 12
and sections 4723.436 and 4730.204 of the Revised Code be 13
enacted to read as follows: 14

Sec. 4723.431. (A) (1) An advanced practice registered 15
nurse who is designated as a clinical nurse specialist, 16
certified nurse-midwife, or certified nurse practitioner may 17
practice only in accordance with a standard care arrangement 18

entered into with each physician or podiatrist with whom the 19
nurse collaborates. A copy of the standard care arrangement 20
shall be retained on file by the nurse's employer. Prior 21
approval of the standard care arrangement by the board of 22
nursing is not required, but the board may periodically review 23
it for compliance with this section. 24

A clinical nurse specialist, certified nurse-midwife, or 25
certified nurse practitioner may enter into a standard care 26
arrangement with one or more collaborating physicians or 27
podiatrists. If a collaborating physician or podiatrist enters 28
into standard care arrangements with more than five nurses, the 29
physician or podiatrist shall not collaborate at the same time 30
with more than five nurses in the prescribing component of their 31
practices. 32

Not later than thirty days after first engaging in the 33
practice of nursing as a clinical nurse specialist, certified 34
nurse-midwife, or certified nurse practitioner, the nurse shall 35
submit to the board the name and business address of each 36
collaborating physician or podiatrist. Thereafter, the nurse 37
shall notify the board of any additions or deletions to the 38
nurse's collaborating physicians or podiatrists. Except as 39
provided in division (D) of this section, the notice must be 40
provided not later than thirty days after the change takes 41
effect. 42

(2) All of the following conditions apply with respect to 43
the practice of a collaborating physician or podiatrist with 44
whom a clinical nurse specialist, certified nurse-midwife, or 45
certified nurse practitioner may enter into a standard care 46
arrangement: 47

(a) The physician or podiatrist must be authorized to 48

practice in this state. 49

(b) Except as provided in division (A) (2) (c) of this 50
section, the physician or podiatrist must be practicing in a 51
specialty that is the same as or similar to the nurse's nursing 52
specialty. 53

(c) If the nurse is a clinical nurse specialist who is 54
certified as a psychiatric-mental health CNS by the American 55
nurses credentialing center or a certified nurse practitioner 56
who is certified as a psychiatric-mental health NP by the 57
American nurses credentialing center, the nurse may enter into a 58
standard care arrangement with a physician but not a podiatrist 59
and the collaborating physician must be practicing in one of the 60
following specialties: 61

(i) Psychiatry; 62

(ii) Pediatrics; 63

(iii) Primary care or family practice. 64

(B) A standard care arrangement shall be in writing and 65
shall contain all of the following: 66

(1) Criteria for referral of a patient by the clinical 67
nurse specialist, certified nurse-midwife, or certified nurse 68
practitioner to a collaborating physician or podiatrist or 69
another physician or podiatrist; 70

(2) A process for the clinical nurse specialist, certified 71
nurse-midwife, or certified nurse practitioner to obtain a 72
consultation with a collaborating physician or podiatrist or 73
another physician or podiatrist; 74

(3) A plan for coverage in instances of emergency or 75
planned absences of either the clinical nurse specialist, 76

certified nurse-midwife, or certified nurse practitioner or a 77
collaborating physician or podiatrist that provides the means 78
whereby a physician or podiatrist is available for emergency 79
care; 80

(4) The process for resolution of disagreements regarding 81
matters of patient management between the clinical nurse 82
specialist, certified nurse-midwife, or certified nurse 83
practitioner and a collaborating physician or podiatrist; 84

(5) Any other criteria required by rule of the board 85
adopted pursuant to section 4723.07 or 4723.50 of the Revised 86
Code. 87

~~(C) (1) (C)~~ A standard care arrangement entered into 88
pursuant to this section may permit a clinical nurse specialist, 89
certified nurse-midwife, or certified nurse practitioner to 90
~~supervise~~ do any of the following: 91

(1) Supervise services provided by a home health agency as 92
defined in section 3740.01 of the Revised Code.— 93

~~(2) A standard care arrangement entered into pursuant to 94
this section may permit a clinical nurse specialist, certified 95
nurse-midwife, or certified nurse practitioner to admit; 96~~

(2) Admit a patient to a hospital in accordance with 97
section 3727.06 of the Revised Code; 98

(3) Sign any document relating to the admission, 99
treatment, or discharge of an inpatient receiving psychiatric or 100
other behavioral health care services, but only if the 101
conditions of section 4723.436 of the Revised Code have been 102
met. 103

(D) (1) Except as provided in division (D) (2) of this 104

section, if a physician or podiatrist terminates the 105
collaboration between the physician or podiatrist and a 106
certified nurse-midwife, certified nurse practitioner, or 107
clinical nurse specialist before their standard care arrangement 108
expires, all of the following apply: 109

(a) The physician or podiatrist must give the nurse 110
written or electronic notice of the termination. 111

(b) Once the nurse receives the termination notice, the 112
nurse must notify the board of nursing of the termination as 113
soon as practicable by submitting to the board a copy of the 114
physician's or podiatrist's termination notice. 115

(c) Notwithstanding the requirement of section 4723.43 of 116
the Revised Code that the nurse practice in collaboration with a 117
physician or podiatrist, the nurse may continue to practice 118
under the existing standard care arrangement without a 119
collaborating physician or podiatrist for not more than one 120
hundred twenty days after submitting to the board a copy of the 121
termination notice. 122

(2) In the event that the collaboration between a 123
physician or podiatrist and a certified nurse-midwife, certified 124
nurse practitioner, or clinical nurse specialist terminates 125
because of the physician's or podiatrist's death, the nurse must 126
notify the board of the death as soon as practicable. The nurse 127
may continue to practice under the existing standard care 128
arrangement without a collaborating physician or podiatrist for 129
not more than one hundred twenty days after notifying the board 130
of the physician's or podiatrist's death. 131

(E) Nothing in this section prohibits a hospital from 132
hiring a clinical nurse specialist, certified nurse-midwife, or 133

certified nurse practitioner as an employee and negotiating 134
standard care arrangements on behalf of the employee as 135
necessary to meet the requirements of this section. A standard 136
care arrangement between the hospital's employee and the 137
employee's collaborating physician is subject to approval by the 138
medical staff and governing body of the hospital prior to 139
implementation of the arrangement at the hospital. 140

Sec. 4723.436. (A) Subject to division (B) of this 141
section, a certified nurse-midwife, clinical nurse specialist, 142
or certified nurse practitioner may sign one or more documents 143
relating to any of the following: 144

(1) The admission of a patient to a facility for the 145
purpose of receiving psychiatric or other behavioral health care 146
services on an inpatient basis; 147

(2) The discharge of a patient from a facility after 148
receiving inpatient psychiatric or other behavioral health care 149
services; 150

(3) The treatment a patient receives while at a facility 151
on an inpatient basis for psychiatric or other behavioral health 152
care services. 153

The documents may include a treatment plan or any 154
medication order that is part of the treatment plan. 155

(B) To be eligible to sign documents described in this 156
section, all of the following must be satisfied: 157

(1) The nurse is employed by the facility in which a 158
patient is receiving psychiatric or other behavioral health care 159
services on an inpatient basis or the nurse has been granted 160
appropriate credentials by the facility; 161

(2) The nurse's collaborating physician is employed by the facility in which a patient is receiving psychiatric or other behavioral health care services on an inpatient basis or the physician is a member of the facility's medical staff. 162
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(3) The nurse's collaborating physician has authorized the nurse to sign documents described in this section for the physician's patients. 166
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(4) The standard care arrangement entered into pursuant to section 4723.431 of the Revised Code specifies in writing that the nurse is authorized to sign documents described in this section for the collaborating physician's patients. 169
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(D) A collaborating physician who authorizes a nurse to sign one or more documents as described in this section is not liable for damages in a civil action for injury, death, or loss to person or property for an act or omission that arises from the nurse signing the document, and is not subject to administrative action or criminal prosecution for an act or omission that arises from the nurse signing the document. 173
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Sec. 4730.01. As used in this chapter: 180

(A) "Physician" means an individual who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery. 181
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(B) "Health care facility" means any of the following: 185

(1) ~~A hospital registered with the department of health under~~, as defined in section 3701.07-3722.01 of the Revised Code; 186
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(2) A health care facility licensed by the department of 189

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| health under section 3702.30 of the Revised Code; | 190 |
| (3) Any other facility designated by the state medical board in rules adopted pursuant to division (B) of section 4730.08 of the Revised Code. | 191 192 193 |
| (C) "Service" means a medical activity that requires training in the diagnosis, treatment, or prevention of disease. | 194 195 |
| <u>Sec. 4730.204. (A) Subject to division (B) of this section, a physician assistant who is employed by a health care facility that is a hospital may sign one or more documents relating to any of the following:</u> | 196 197 198 199 |
| <u>(1) The admission of a patient to the hospital;</u> | 200 |
| <u>(2) The discharge of a patient from the hospital;</u> | 201 |
| <u>(3) The treatment of a patient while hospitalized.</u> | 202 |
| <u>The documents may include a treatment plan or any medication order that is part of the treatment plan.</u> | 203 204 |
| <u>(B) To be eligible to sign documents described in division (A) of this section, all of the following must be satisfied:</u> | 205 206 |
| <u>(1) The physician assistant's supervising physician is employed by the hospital or is a member of the hospital's medical staff.</u> | 207 208 209 |
| <u>(2) The physician assistant's supervising physician has authorized the physician assistant to sign documents described in division (A) of this section for the physician's patients.</u> | 210 211 212 |
| <u>(3) The policies of the hospital authorize the physician assistant to sign documents described in division (A) of this section.</u> | 213 214 215 |
| <u>(C) Notwithstanding section 4730.22 of the Revised Code or</u> | 216 |

any other conflicting provision of this chapter, a supervising 217
physician who authorizes a physician assistant to sign one or 218
more documents as described in division (B) of this section is 219
not liable for damages in a civil action for injury, death, or 220
loss to person or property for an act or omission that arises 221
from the physician assistant signing the document, and is not 222
subject to administrative action or criminal prosecution for an 223
act or omission that arises from the physician assistant signing 224
the document. 225

Section 2. That existing sections 4723.431 and 4730.01 of 226
the Revised Code are hereby repealed. 227

Section 3. That the version of section 4723.431 of the 228
Revised Code that is scheduled to take effect September 30, 229
2024, be amended to read as follows: 230

Sec. 4723.431. (A) (1) An advanced practice registered 231
nurse who is designated as a clinical nurse specialist, 232
certified nurse-midwife, or certified nurse practitioner may 233
practice only in accordance with a standard care arrangement 234
entered into with each physician or podiatrist with whom the 235
nurse collaborates. A copy of the standard care arrangement 236
shall be retained on file by the nurse's employer. Prior 237
approval of the standard care arrangement by the board of 238
nursing is not required, but the board may periodically review 239
it for compliance with this section. 240

A clinical nurse specialist, certified nurse-midwife, or 241
certified nurse practitioner may enter into a standard care 242
arrangement with one or more collaborating physicians or 243
podiatrists. If a collaborating physician or podiatrist enters 244
into standard care arrangements with more than five nurses, the 245
physician or podiatrist shall not collaborate at the same time 246

with more than five nurses in the prescribing component of their 247
practices. 248

Not later than thirty days after first engaging in the 249
practice of nursing as a clinical nurse specialist, certified 250
nurse-midwife, or certified nurse practitioner, the nurse shall 251
submit to the board the name and business address of each 252
collaborating physician or podiatrist. Thereafter, the nurse 253
shall notify the board of any additions or deletions to the 254
nurse's collaborating physicians or podiatrists. Except as 255
provided in division (D) of this section, the notice must be 256
provided not later than thirty days after the change takes 257
effect. 258

(2) All of the following conditions apply with respect to 259
the practice of a collaborating physician or podiatrist with 260
whom a clinical nurse specialist, certified nurse-midwife, or 261
certified nurse practitioner may enter into a standard care 262
arrangement: 263

(a) The physician or podiatrist must be authorized to 264
practice in this state. 265

(b) Except as provided in division (A) (2) (c) of this 266
section, the physician or podiatrist must be practicing in a 267
specialty that is the same as or similar to the nurse's nursing 268
specialty. 269

(c) If the nurse is a clinical nurse specialist who is 270
certified as a psychiatric-mental health CNS by the American 271
nurses credentialing center or a certified nurse practitioner 272
who is certified as a psychiatric-mental health NP by the 273
American nurses credentialing center, the nurse may enter into a 274
standard care arrangement with a physician but not a podiatrist 275

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| and the collaborating physician must be practicing in one of the | 276 |
| following specialties: | 277 |
| (i) Psychiatry; | 278 |
| (ii) Pediatrics; | 279 |
| (iii) Primary care or family practice. | 280 |
| (B) A standard care arrangement shall be in writing and | 281 |
| shall contain all of the following: | 282 |
| (1) Criteria for referral of a patient by the clinical | 283 |
| nurse specialist, certified nurse-midwife, or certified nurse | 284 |
| practitioner to a collaborating physician or podiatrist or | 285 |
| another physician or podiatrist; | 286 |
| (2) A process for the clinical nurse specialist, certified | 287 |
| nurse-midwife, or certified nurse practitioner to obtain a | 288 |
| consultation with a collaborating physician or podiatrist or | 289 |
| another physician or podiatrist; | 290 |
| (3) A plan for coverage in instances of emergency or | 291 |
| planned absences of either the clinical nurse specialist, | 292 |
| certified nurse-midwife, or certified nurse practitioner or a | 293 |
| collaborating physician or podiatrist that provides the means | 294 |
| whereby a physician or podiatrist is available for emergency | 295 |
| care; | 296 |
| (4) The process for resolution of disagreements regarding | 297 |
| matters of patient management between the clinical nurse | 298 |
| specialist, certified nurse-midwife, or certified nurse | 299 |
| practitioner and a collaborating physician or podiatrist; | 300 |
| (5) Any other criteria required by rule of the board | 301 |
| adopted pursuant to section 4723.07 or 4723.50 of the Revised | 302 |
| Code. | 303 |

~~(C) (1) (C)~~ A standard care arrangement entered into 304
pursuant to this section may permit a clinical nurse specialist, 305
certified nurse-midwife, or certified nurse practitioner to 306
~~supervise~~ do any of the following: 307

(1) Supervise services provided by a home health agency as 308
defined in section 3740.01 of the Revised Code.— 309

~~(2) A standard care arrangement entered into pursuant to~~ 310
~~this section may permit a clinical nurse specialist, certified~~ 311
~~nurse midwife, or certified nurse practitioner to admit;~~ 312

(2) Admit a patient to a hospital; 313

(3) Sign any document relating to the admission, 314
treatment, or discharge of an inpatient receiving psychiatric or 315
other behavioral health care services, but only if the 316
conditions of section 4723.436 of the Revised Code have been 317
met. 318

(D) (1) Except as provided in division (D) (2) of this 319
section, if a physician or podiatrist terminates the 320
collaboration between the physician or podiatrist and a 321
certified nurse-midwife, certified nurse practitioner, or 322
clinical nurse specialist before their standard care arrangement 323
expires, all of the following apply: 324

(a) The physician or podiatrist must give the nurse 325
written or electronic notice of the termination. 326

(b) Once the nurse receives the termination notice, the 327
nurse must notify the board of nursing of the termination as 328
soon as practicable by submitting to the board a copy of the 329
physician's or podiatrist's termination notice. 330

(c) Notwithstanding the requirement of section 4723.43 of 331

the Revised Code that the nurse practice in collaboration with a 332
physician or podiatrist, the nurse may continue to practice 333
under the existing standard care arrangement without a 334
collaborating physician or podiatrist for not more than one 335
hundred twenty days after submitting to the board a copy of the 336
termination notice. 337

(2) In the event that the collaboration between a 338
physician or podiatrist and a certified nurse-midwife, certified 339
nurse practitioner, or clinical nurse specialist terminates 340
because of the physician's or podiatrist's death, the nurse must 341
notify the board of the death as soon as practicable. The nurse 342
may continue to practice under the existing standard care 343
arrangement without a collaborating physician or podiatrist for 344
not more than one hundred twenty days after notifying the board 345
of the physician's or podiatrist's death. 346

(E) Nothing in this section prohibits a hospital from 347
hiring a clinical nurse specialist, certified nurse-midwife, or 348
certified nurse practitioner as an employee and negotiating 349
standard care arrangements on behalf of the employee as 350
necessary to meet the requirements of this section. A standard 351
care arrangement between the hospital's employee and the 352
employee's collaborating physician is subject to approval by the 353
medical staff and governing body of the hospital prior to 354
implementation of the arrangement at the hospital. 355

Section 4. That the existing version of section 4723.431 356
of the Revised Code that is scheduled to take effect September 357
30, 2024, is hereby repealed. 358

Section 5. Sections 3 and 4 of this act take effect 359
September 30, 2024. 360

Section 6. The version of section 4723.431 of the Revised Code that is scheduled to take effect September 30, 2024, is presented in this act as a composite of the section as amended by both Section 101.01 and Section 130.10 of H.B. 110 of the 134th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.