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Representatives Gonzales, Letson

**Cosponsors: Representatives Stebelton, Wachtmann, Boyd, Slesnick,
Gerberry, O'Brien, Murray, Reece, Mallory, Amstutz, Antonio, Boose, Carney,
Celeste, Duffey, Fedor, Foley, Gardner, Garland, Hottinger, McClain,
Milkovich, Newbold, Pelanda, Phillips, Pillich, Ramos, Schuring, Sears,
Sprague, Terhar, Young, Yuko Speaker Batchelder
Senators Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Eklund, Hite,
Hughes, LaRose, Lehner, Manning, Oelslager, Peterson, Schiavoni, Seitz,
Smith, Tavares, Turner, Wagoner**

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A B I L L

To amend sections 2133.211, 3719.06, 4730.06,	1
4730.09, 4730.10, 4730.11, 4730.38, 4730.39,	2
4730.40, 4730.41, 4730.42, 4730.44, 4730.46,	3
4755.48, 4755.481, 4757.41, 4758.01, 4758.02,	1162
4758.10, 4758.20, 4758.21, 4758.22, 4758.23,	1163
4758.24, 4758.26, 4758.27, 4758.30, 4758.40,	1164
4758.41, 4758.42, 4758.43, 4758.44, 4758.45,	1165
4758.51, 4758.55, 4758.56, 4758.59, 4758.61,	4
4758.70, 4765.01, 4765.35, 4765.36, 4765.37,	5
4765.38, 4765.39, 4765.49, and 4765.51, to enact	1168
sections 4723.36, 4730.04, 4730.092, 4730.411,	1169
4758.221, 4758.241, 4758.39, 4758.46, 4758.47,	7
4758.52, 4758.54, and 4758.561, and to repeal	8
sections 3793.07, 4730.401 , 4758.04, 4758.53, and	9
4758.58 of the Revised Code to modify the laws	10
governing physician assistants, to authorize	1173

certain nurses to determine and pronounce death 1174
under specified circumstances, and to revise the 11
laws governing the professions of chemical
dependency counseling and alcohol and other drug
prevention.

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

Section 1. That sections 2133.211, 3719.06, 4730.06, 4730.09, 12
4730.10, 4730.11, 4730.38, 4730.39, 4730.40, 4730.41, 4730.42, 13
4730.44, 4730.46, 4755.48, 4755.481, 4757.41, 4758.01, 4758.02, 3
4758.10, 4758.20, 4758.21, 4758.22, 4758.23, 4758.24, 4758.26, 4
4758.27, 4758.30, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 5
4758.45, 4758.51, 4758.55, 4758.56, 4758.59, 4758.61, 4758.70, 6
4765.01, 4765.35, 4765.36, 4765.37, 4765.38, 4765.39, 4765.49, and 14
4765.51 be amended and sections 4723.36, 4730.04, 4730.092, 15
4730.411, 4758.221, 4758.241, 4758.39, 4758.46, 4758.47, 4758.52, 8
4758.54, and 4758.561 of the Revised Code be enacted to read as 9
follows: 16

Sec. 2133.211. A person who holds a certificate of authority 18
to practice as a certified nurse practitioner or clinical nurse 19
specialist issued under section 4723.42 of the Revised Code may 20
take any action that may be taken by an attending physician under 21
sections 2133.21 to 2133.26 of the Revised Code and has the 22
immunity provided by section 2133.22 of the Revised Code if the 23
action is taken pursuant to a standard care arrangement with a 24
collaborating physician. 25

A person who holds a certificate to practice as a physician 26
assistant issued under Chapter 4730. of the Revised Code may take 27
any action that may be taken by an attending physician under 28
sections 2133.21 to 2133.26 of the Revised Code and has the 29

immunity provided by section 2133.22 of the Revised Code if the 30
action is taken pursuant to a physician supervisory plan approved 31
pursuant to section 4730.17 of the Revised Code or the policies of 32
a health care facility in which the physician assistant is 33
practicing. 34

Sec. 3719.06. (A)(1) A licensed health professional 35
authorized to prescribe drugs, if acting in the course of 36
professional practice, in accordance with the laws regulating the 37
professional's practice, and in accordance with rules adopted by 38
the state board of pharmacy, may, except as provided in division 39
(A)(2) or (3) of this section, do the following: 40

(a) Prescribe schedule II, III, IV, and V controlled 41
substances; 42

(b) Administer or personally furnish to patients schedule II, 43
III, IV, and V controlled substances; 44

(c) Cause schedule II, III, IV, and V controlled substances 45
to be administered under the prescriber's direction and 46
supervision. 47

(2) A licensed health professional authorized to prescribe 48
drugs who is a clinical nurse specialist, certified nurse-midwife, 49
or certified nurse practitioner is subject to both of the 50
following: 51

(a) A schedule II controlled substance may be prescribed only 52
in accordance with division (C) of section 4723.481 of the Revised 53
Code. 54

(b) No schedule II controlled substance shall be personally 55
furnished to any patient. 56

(3) A licensed health professional authorized to prescribe 57
drugs who is a physician assistant ~~shall not prescribe or~~ 58
~~personally furnish to patients any~~ is subject to all of the 59

following: 60

(a) A controlled substance that is not may be prescribed or 61
personally furnished only if it is included in the 62
physician-delegated prescriptive authority granted to the 63
physician assistant in accordance with Chapter 4730. of the 64
Revised Code. 65

(b) A schedule II controlled substance may be prescribed only 66
in accordance with division (B)(4) of section 4730.41 and section 67
4730.411 of the Revised Code. 68

(c) No schedule II controlled substance shall be personally 69
furnished to any patient. 70

(B) No licensed health professional authorized to prescribe 71
drugs shall prescribe, administer, or personally furnish a 72
schedule III anabolic steroid for the purpose of human muscle 73
building or enhancing human athletic performance and no pharmacist 74
shall dispense a schedule III anabolic steroid for either purpose, 75
unless it has been approved for that purpose under the "Federal 76
Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 77
301, as amended. 78

(C) Each written prescription shall be properly executed, 79
dated, and signed by the prescriber on the day when issued and 80
shall bear the full name and address of the person for whom, or 81
the owner of the animal for which, the controlled substance is 82
prescribed and the full name, address, and registry number under 83
the federal drug abuse control laws of the prescriber. If the 84
prescription is for an animal, it shall state the species of the 85
animal for which the controlled substance is prescribed. 86

Sec. 4723.36. (A) A certified nurse practitioner or clinical 87
nurse specialist may determine and pronounce an individual's 88
death, but only if the individual's respiratory and circulatory 89

functions are not being artificially sustained and, at the time 90
the determination and pronouncement of death is made, either or 91
both of the following apply: 92

(1) The individual was receiving care in one of the 93
following: 94

(a) A nursing home licensed under section 3721.02 of the 95
Revised Code or by a political subdivision under section 3721.09 96
of the Revised Code; 97

(b) A residential care facility or home for the aging 98
licensed under Chapter 3721. of the Revised Code; 99

(c) A county home or district home operated pursuant to 100
Chapter 5155. of the Revised Code; 101

(d) A residential facility licensed under section 5123.19 of 102
the Revised Code. 103

(2) The certified nurse practitioner or clinical nurse 104
specialist is providing or supervising the individual's care 105
through a hospice care program licensed under Chapter 3712. of the 106
Revised Code or any other entity that provides palliative care. 107

(B) A registered nurse may determine and pronounce an 108
individual's death, but only if the individual's respiratory and 109
circulatory functions are not being artificially sustained and, at 110
the time the determination and pronouncement of death is made, the 111
registered nurse is providing or supervising the individual's care 112
through a hospice care program licensed under Chapter 3712. of the 113
Revised Code or any other entity that provides palliative care. 114

(C) If a certified nurse practitioner, clinical nurse 115
specialist, or registered nurse determines and pronounces an 116
individual's death, the nurse shall comply with both of the 117
following: 118

(1) The nurse shall not complete any portion of the 119

individual's death certificate. 120

(2) The nurse shall notify the individual's attending physician of the determination and pronouncement of death in order for the physician to fulfill the physician's duties under section 3705.16 of the Revised Code. The nurse shall provide the notification within a period of time that is reasonable but not later than twenty-four hours following the determination and pronouncement of the individual's death. 121
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Sec. 4730.04. (A) As used in this section: 128

(1) "Disaster" means any imminent threat or actual occurrence of widespread or severe damage to or loss of property, personal hardship or injury, or loss of life that results from any natural phenomenon or act of a human. 129
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(2) "Emergency" means an occurrence or event that poses an imminent threat to the health or life of a human. 133
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(B) Nothing in this chapter prohibits any of the following individuals from providing medical care, to the extent the individual is able, in response to a need for medical care precipitated by a disaster or emergency: 135
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(1) An individual who holds a certificate to practice as a physician assistant issued under this chapter; 139
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(2) An individual licensed or authorized to practice as a physician assistant in another state; 141
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(3) An individual credentialed or employed as a physician assistant by an agency, office, or other instrumentality of the federal government. 143
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(C) For purposes of the medical care provided by a physician assistant pursuant to division (B)(1) of this section, both of the following apply notwithstanding any supervision requirement of this chapter to the contrary: 146
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(1) The physician who supervises the physician assistant pursuant to a physician supervisory plan approved by the state medical board under section 4730.17 of the Revised Code is not required to meet the supervision requirements established under this chapter. 150
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(2) The physician designated as the medical director of the disaster or emergency may supervise the medical care provided by the physician assistant. 155
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Sec. 4730.06. (A) The physician assistant policy committee of the state medical board shall review, and shall submit to the board recommendations concerning, all of the following: 158
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(1) Requirements for issuance of certificates to practice as a physician assistant, including the educational requirements that must be met to receive a certificate to practice; 161
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(2) Existing and proposed rules pertaining to the practice of physician assistants, the supervisory relationship between physician assistants and supervising physicians, and the administration and enforcement of this chapter; 164
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~~(3) Physician-delegated~~ In accordance with section 4730.38 of the Revised Code, physician-delegated prescriptive authority for physician assistants, in accordance with and proposed changes to the physician assistant formulary the board adopts pursuant to division (A)(1) of section 4730.38 4730.39 of the Revised Code; 168
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(4) Application procedures and forms for certificates to practice as a physician assistant, physician supervisory plans, and supervision agreements; 173
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(5) Fees required by this chapter for issuance and renewal of certificates to practice as a physician assistant; 176
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(6) Criteria to be included in applications submitted to the board for approval of physician supervisory plans, including 178
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criteria to be included in applications for approval to delegate	180
to physician assistants the performance of special services;	181
(7) Criteria to be included in supervision agreements	182
submitted to the board for approval and renewal of the board's	183
approval;	184
(8) Any issue the board asks the committee to consider.	185
(B) In addition to the matters that are required to be	186
reviewed under division (A) of this section, the committee may	187
review, and may submit to the board recommendations concerning,	188
either or both of the following:	189
(1) Quality assurance activities to be performed by a	190
supervising physician and physician assistant under a quality	191
assurance system established pursuant to division (F) of section	192
4730.21 of the Revised Code;	193
(2) The development and approval of one or more model	194
physician supervisory plans and one or more models for a special	195
services portion of the one or more model physician supervisory	196
plans. The committee may submit recommendations for model plans	197
that reflect various medical specialties.	198
(C) The board shall take into consideration all	199
recommendations submitted by the committee. Not later than ninety	200
days after receiving a recommendation from the committee, the	201
board shall approve or disapprove the recommendation and notify	202
the committee of its decision. If a recommendation is disapproved,	203
the board shall inform the committee of its reasons for making	204
that decision. The committee may resubmit the recommendation after	205
addressing the concerns expressed by the board and modifying the	206
disapproved recommendation accordingly. Not later than ninety days	207
after receiving a resubmitted recommendation, the board shall	208
approve or disapprove the recommendation. There is no limit on the	209
number of times the committee may resubmit a recommendation for	210

consideration by the board. 211

(D)(1) Except as provided in division (D)(2) of this section, 212
the board may not take action regarding a matter that is subject 213
to the committee's review under division (A) or (B) of this 214
section unless the committee has made a recommendation to the 215
board concerning the matter. 216

(2) If the board submits to the committee a request for a 217
recommendation regarding a matter that is subject to the 218
committee's review under division (A) or (B) of this section, and 219
the committee does not provide a recommendation before the 220
sixty-first day after the request is submitted, the board may take 221
action regarding the matter without a recommendation. 222

Sec. 4730.09. (A) Under a physician supervisory plan approved 223
under section 4730.17 of the Revised Code, a physician assistant 224
may provide any or all of the following services without approval 225
by the state medical board as special services: 226

(1) Obtaining comprehensive patient histories; 227

(2) Performing physical examinations, including audiometry 228
screening, routine visual screening, and pelvic, rectal, and 229
genital-urinary examinations, when indicated; 230

(3) Ordering, performing, or ordering and performing routine 231
diagnostic procedures, as indicated; 232

(4) Identifying normal and abnormal findings on histories, 233
physical examinations, and commonly performed diagnostic studies; 234

(5) Assessing patients and developing and implementing 235
treatment plans for patients; 236

(6) Monitoring the effectiveness of therapeutic 237
interventions; 238

(7) Exercising physician-delegated prescriptive authority 239

pursuant to a certificate to prescribe issued under this chapter;	240
(8) Carrying out or relaying the supervising physician's orders for the administration of medication, to the extent permitted by law;	241 242 243
(9) Providing patient education;	244
(10) Instituting and changing orders on patient charts;	245
(11) Performing developmental screening examinations on children with regard to neurological, motor, and mental functions;	246 247
(12) Performing wound care management, suturing minor lacerations and removing the sutures, and incision and drainage of uncomplicated superficial abscesses;	248 249 250
(13) Removing superficial foreign bodies;	251
(14) Administering intravenous fluids;	252
(15) Inserting a foley or cudae catheter into the urinary bladder and removing the catheter;	253 254
(16) Removing intrauterine devices;	255
(17) Performing biopsies of superficial lesions;	256
(18) <u>(17)</u> Making appropriate referrals as directed by the supervising physician;	257 258
(19) Removing norplant capsules;	259
(20) <u>(18)</u> Performing penile duplex ultrasound;	260
(21) <u>(19)</u> Changing of a tracheostomy;	261
(22) <u>(20)</u> Performing bone marrow aspirations from the posterior iliac crest;	262 263
(23) <u>(21)</u> Performing bone marrow biopsies from the posterior iliac crest;	264 265
(24) <u>(22)</u> Performing cystograms;	266

(25) (23) Performing nephrostograms after physician placement of nephrostomy tubes;	267 268
(26) (24) Fitting or , inserting family planning, or removing <u>birth control</u> devices, including intrauterine devices, diaphragms, and cervical caps;	269 270 271
(27) (25) Removing cervical polyps;	272
(28) (26) Performing nerve conduction testing;	273
(29) (27) Performing endometrial biopsies;	274
(30) (28) Inserting filiform and follower catheters;	275
(31) (29) Performing arthrocentesis of the knee;	276
(32) (30) Performing knee joint injections;	277
(33) (31) Performing endotracheal intubation with successful completion of an advanced cardiac life support course;	278 279
(34) (32) Performing lumbar punctures;	280
(35) (33) In accordance with rules adopted by the board, using light-based medical devices for the purpose of hair removal;	281 282
(36) (34) Administering, monitoring, or maintaining local anesthesia, as defined in section 4730.091 of the Revised Code;	283 284
(37) (35) Applying or removing a cast or splint;	285
(38) (36) <u>Inserting or removing chest tubes;</u>	286
<u>(37) Prescribing physical therapy or referring a patient to a physical therapist for the purpose of receiving physical therapy;</u>	287 288
<u>(38) Ordering occupational therapy or referring a patient to an occupational therapist for the purpose of receiving occupational therapy;</u>	289 290 291
<u>(39) Taking any action that may be taken by an attending physician under sections 2133.21 to 2133.26 of the Revised Code, as specified in section 2133.211 of the Revised Code;</u>	292 293 294

(40) Determining and pronouncing death in accordance with 295
section 4730.092 of the Revised Code; 296

(41) Performing other services that are within the 297
supervising physician's normal course of practice and expertise, 298
if the services are included in any model physician supervisory 299
plan approved under section 4730.06 of the Revised Code or the 300
services are designated by the board by rule or other means as 301
services that are not subject to approval as special services. 302

(B) Under the policies of a health care facility, the 303
services a physician assistant may provide are limited to the 304
services the facility has authorized the physician assistant to 305
provide for the facility. The services a health care facility may 306
authorize a physician assistant to provide for the facility 307
include the following: 308

(1) Any or all of the services specified in division (A) of 309
this section; 310

(2) Assisting in surgery in the health care facility; 311

(3) Any other services permitted by the policies of the 312
health care facility, except that the facility may not authorize a 313
physician assistant to perform a service that is prohibited by 314
this chapter. 315

Sec. 4730.092. (A) A physician assistant may determine and 316
pronounce an individual's death, but only if the individual's 317
respiratory and circulatory functions are not being artificially 318
sustained and, at the time the determination and pronouncement of 319
death is made, either or both of the following apply: 320

(1) The individual was receiving care in one of the 321
following: 322

(a) A nursing home licensed under section 3721.02 of the 323
Revised Code or by a political subdivision under section 3721.09 324

<u>of the Revised Code;</u>	325
<u>(b) A residential care facility or home for the aging licensed under Chapter 3721. of the Revised Code;</u>	326
<u>(c) A county home or district home operated pursuant to Chapter 5155. of the Revised Code;</u>	328
<u>(d) A residential facility licensed under section 5123.19 of the Revised Code.</u>	330
<u>(2) The physician assistant is providing or supervising the individual's care through a hospice care program licensed under Chapter 3712. of the Revised Code or any other entity that provides palliative care.</u>	332
<u>(B) If a physician assistant determines and pronounces an individual's death, the physician assistant shall comply with both of the following:</u>	336
<u>(1) The physician assistant shall not complete any portion of the individual's death certificate.</u>	339
<u>(2) The physician assistant shall notify the individual's attending physician of the determination and pronouncement of death in order for the physician to fulfill the physician's duties under section 3705.16 of the Revised Code. The physician assistant shall provide the notification within a period of time that is reasonable but not later than twenty-four hours following the determination and pronouncement of the individual's death.</u>	341
Sec. 4730.10. (A) An individual seeking a certificate to practice as a physician assistant shall file with the state medical board a written application on a form prescribed and supplied by the board. The application shall include all of the following:	348
<u>(1) The applicant's name, residential address, business address, if any, and social security number;</u>	353

(2) Satisfactory proof that the applicant meets the age and moral character requirements specified in divisions (A)(1) and (2) of section 4730.11 of the Revised Code;

~~(3) Effective January 1, 2008, except as provided in division (B) of section 4730.11 of the Revised Code, satisfactory~~
Satisfactory proof that the applicant meets ~~one of either~~ the educational requirements specified in division ~~(A)(4)~~ (B)(1) or (2) of section 4730.11 of the Revised Code or the educational or other applicable requirements specified in division (C)(1), (2), or (3) of that section;

(4) Any other information the board requires.

(B) At the time of making application for a certificate to practice, the applicant shall pay the board a fee of two hundred dollars, no part of which shall be returned. ~~Such~~ The fees shall be deposited in accordance with section 4731.24 of the Revised Code.

Sec. 4730.11. (A) ~~For an individual to~~ To be eligible to receive a certificate to practice as a physician assistant, all of the following apply to an applicant:

(1) The applicant shall be at least eighteen years of age.

(2) The applicant shall be of good moral character.

(3) The applicant shall hold current certification by the national commission on certification of physician assistants or a successor organization that is recognized by the state medical board.

(4) The applicant shall meet either of the following requirements:

(a) The educational requirements specified in division (B)(1) or (2) of this section;

(b) The educational or other applicable requirements 384
specified in division (C)(1), (2), or (3) of this section. 385

(B) Effective January 1, 2008, except as provided in for 386
purposes of division ~~(B)~~(A)(4)(a) of this section, the an 387
applicant shall meet ~~one~~ either of the following educational 388
requirements: 389

~~(a)(1)~~ (1) The applicant shall hold a master's or higher degree 390
~~that was~~ obtained from a program accredited by the accreditation 391
review commission on education for the physician assistant or a 392
predecessor or successor organization recognized by the board. 393

~~(b)(2)~~ (2) The applicant shall hold a both of the following 394
degrees: 395

(a) A degree other than a master's or higher degree ~~that was~~ 396
obtained from a program accredited by the accreditation review 397
commission on education for the physician assistant or a 398
predecessor or successor organization recognized by the board ~~and~~ 399
~~shall hold a;~~ 400

(b) A master's or higher degree in a course of study with 401
clinical relevance to the practice of physician assistants ~~that~~ 402
~~was and~~ obtained from a program accredited by a regional or 403
specialized and professional accrediting agency recognized by the 404
council for higher education accreditation. 405

~~(B) It is not necessary for an applicant to hold a master's~~ 406
~~or higher degree as a condition of receiving a certificate to~~ 407
~~practice as a physician assistant if the applicant presents (C)~~ 408
For purposes of division (A)(4)(b) of this section, an applicant 409
shall present evidence satisfactory to the board of ~~holding either~~ 410
meeting one of the following requirements in lieu of meeting the 411
educational requirements specified in division (B)(1) or (2) of 412
this section: 413

(1) A The applicant shall hold a current, valid license or 414

other form of authority to practice as a physician assistant ~~that~~ 415
~~was~~ issued by another jurisdiction prior to January 1, 2008~~+~~. 416

~~(2) A degree, other than a master's or higher degree, that is~~ 417
The applicant shall hold a degree obtained as a result of being 418
enrolled on January 1, 2008, in a program in this state that was 419
accredited by the accreditation review commission on education for 420
the physician assistant but did not grant a master's or higher 421
degree to individuals enrolled in the program on that date, and 422
completing the program on or before December 31, 2009. 423

~~(C)~~(3) The applicant shall meet both of the following 424
educational and military experience requirements: 425

(a) Hold a degree obtained from a program accredited by the 426
accreditation review commission on education for the physician 427
assistant; 428

(b) Have experience practicing as a physician assistant for 429
at least three consecutive years while on active duty, with 430
evidence of service under honorable conditions, in any of the 431
armed forces of the United States or the national guard of any 432
state, including any experience attained while practicing as a 433
physician assistant at a health care facility or clinic operated 434
by the United States department of veterans affairs. 435

(D) This section does not require an individual to obtain a 436
master's or higher degree as a condition of retaining or renewing 437
a certificate to practice as a physician assistant if ~~any~~ the 438
individual received the certificate without holding a master's or 439
higher degree as provided in either of the following ~~apply~~: 440

~~(1) Prior to~~ Before the educational requirements specified in 441
division (B)(1) or (2) of this section became effective January 1, 442
2008, ~~the individual received a certificate to practice as a~~ 443
~~physician assistant under this chapter without holding a master's~~ 444
~~or higher degree.;~~ 445

~~(2) On or after January 1, 2008, the individual received a certificate to practice as a physician assistant under this chapter on the basis of holding a license issued in another jurisdiction, as specified in division (B)(1) of this section.~~ 446
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~~(3) On or after January 1, 2008, the individual received a certificate to practice as a physician assistant under this chapter on the basis of obtaining a degree as specified in division (B)(2) By meeting the educational or other applicable requirements specified in division (C)(1), (2), or (3) of this section.~~ 450
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Sec. 4730.38. (A) ~~Not later than six months after the effective date~~ Except as provided in division (B) of this section, 456
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the physician assistant policy committee of the state medical board shall, at such times the committee determines to be 458
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necessary, submit to the board ~~its initial~~ recommendations 460
regarding physician-delegated prescriptive authority for physician 461
assistants. The committee's recommendations shall address ~~all~~ both 462
of the following: 463

(1) Policy and procedures regarding physician-delegated prescriptive authority, including the issuance of certificates to prescribe under this chapter; 464
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~~(2) Subject to the limitations specified in section 4730.40 of the Revised Code, a formulary listing the drugs and therapeutic devices by class and specific nomenclature that a supervising physician may include in the physician-delegated prescriptive authority granted to a physician assistant who holds a certificate to prescribe issued under this chapter;~~ 467
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~~(3)~~ Any issue the committee considers necessary to assist the board in fulfilling its duty to adopt rules governing physician-delegated prescriptive authority, including the issuance of certificates to prescribe. 473
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(B) ~~After the board's adoption of initial rules under section 4730.39 of the Revised Code, the committee shall conduct an annual review of its recommendations regarding physician-delegated prescriptive authority. Based on its review, the committee shall submit recommendations to the board as the committee considers necessary~~ Not less than every six months beginning on the first day of June following the effective date of this amendment, the committee shall review the physician assistant formulary the board adopts pursuant to division (A)(1) of section 4730.39 of the Revised Code and, to the extent it determines to be necessary, submit recommendations proposing changes to the formulary.

(C) Recommendations submitted under this section are subject to the procedures and time frames specified in division (C) of section 4730.06 of the Revised Code.

Sec. 4730.39. (A) ~~Not later than six months after receiving the initial recommendations of the physician assistant policy committee submitted pursuant to division (A) of section 4730.38 of the Revised Code, the~~ The state medical board shall adopt do both of the following:

(1) Adopt a formulary listing the drugs and therapeutic devices by class and specific generic nomenclature that a physician may include in the physician-delegated prescriptive authority granted to a physician assistant who holds a certificate to prescribe under this chapter;

(2) Adopt rules governing physician-delegated prescriptive authority for physician assistants, including the issuance of certificates to prescribe under this chapter. ~~The~~

(B) The board's rules governing physician-delegated prescriptive authority adopted pursuant to division (A)(2) of this section shall be adopted in accordance with Chapter 119. of the Revised Code and shall establish all of the following:

~~(1) Subject to the limitations specified in section 4730.40 of the Revised Code, a formulary listing the drugs and therapeutic devices by class and specific generic nomenclature that a physician may include in the physician-delegated prescriptive authority granted to a physician assistant who holds a certificate to prescribe under this chapter;~~ 508
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~~(2) Requirements regarding the pharmacology courses that a physician assistant is required to complete to receive a certificate to prescribe;~~ 514
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~~(3)(2) Standards and procedures for the issuance and renewal of certificates to prescribe to physician assistants;~~ 517
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~~(4)(3) Standards and procedures for the appropriate conduct of the provisional period that a physician assistant is required to complete pursuant to section 4730.45 of the Revised Code and for determining whether a physician assistant has successfully completed the provisional period;~~ 519
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~~(5)(4) A specific prohibition against prescribing any drug or device to perform or induce an abortion;~~ 524
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~~(6)(5) Standards and procedures to be followed by a physician assistant in personally furnishing samples of drugs or complete or partial supplies of drugs to patients under section 4730.43 of the Revised Code;~~ 526
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~~(7)(6) Any other requirements the board considers necessary to implement the provisions of this chapter regarding physician-delegated prescriptive authority and the issuance of certificates to prescribe.~~ 530
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~~(B)(C)(1) After adopting the initial rules considering recommendations submitted by the physician assistant policy committee pursuant to sections 4730.06 and 4730.38 of the Revised Code, the board shall conduct an annual review either or both of the rules. Based following, as appropriate according to the~~ 534
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538

submitted recommendations: 539

(a) The formulary the board adopts under division (A)(1) of this section; 540
541

(b) The rules the board adopts under division (A)(2) of this section regarding physician-delegated prescriptive authority. 542
543

(2) Based on its review, the board shall make any necessary 544
modifications to the formulary or rules. 545

~~(C) All rules adopted under this section shall be adopted in 546
accordance with Chapter 119. of the Revised Code. When adopting 547
the initial rules, the board shall consider the recommendations of 548
the physician assistant policy committee submitted pursuant to 549
division (A) of section 4730.38 of the Revised Code. When making 550
any modifications to the rules subsequent to its annual review of 551
the rules, the board shall consider the committee's 552
recommendations submitted pursuant to division (B) of section 553
4730.38 of the Revised Code. 554~~

Sec. 4730.40. (A) Subject to ~~divisions~~ division (B) and ~~(C)~~ 555
of this section, the physician assistant formulary ~~established~~ 556
adopted by the state medical board ~~in rules adopted~~ under section 557
4730.39 of the Revised Code ~~listing the drugs and therapeutic~~ 558
~~devices by class and specific nomenclature that a supervising~~ 559
~~physician may include in the physician delegated prescriptive~~ 560
~~authority granted to a physician assistant who holds a certificate~~ 561
~~to prescribe issued under this chapter~~ may include any or all of 562
the following drugs: 563

(1) Schedule II, III, IV, and V controlled substances; 564

(2) Drugs that under state or federal law may be dispensed 565
only pursuant to a prescription by a licensed health professional 566
authorized to prescribe drugs, as defined in section 4729.01 of 567
the Revised Code; 568

(3) Any drug that is not a dangerous drug, as defined in 569
section 4729.01 of the Revised Code. 570

(B) The formulary ~~established in the board's rules adopted by~~ 571
the board shall not include, and shall specify that it does not 572
include, ~~the following:~~ 573

~~(1) Any schedule II controlled substance;~~ 574

~~(2) Any any drug or device used to perform or induce an~~ 575
abortion. 576

~~(C) When adopting rules establishing the initial formulary,~~ 577
~~the board shall include provisions ensuring that a physician~~ 578
~~assistant who holds a certificate to prescribe issued under this~~ 579
~~chapter may be granted physician-delegated prescriptive authority~~ 580
~~for all drugs and therapeutic devices that may be prescribed on~~ 581
~~the effective date of the rules by a holder of a certificate to~~ 582
~~prescribe issued by the board of nursing under Chapter 4723. of~~ 583
~~the Revised Code, with the exception of schedule II controlled~~ 584
~~substances. To the extent permitted by division (A) of this~~ 585
~~section, the initial formulary may include additional drugs or~~ 586
~~therapeutic devices.~~ 587

Sec. 4730.41. (A) A certificate to prescribe issued under 588
this chapter authorizes a physician assistant to prescribe and 589
personally furnish drugs and therapeutic devices in the exercise 590
of physician-delegated prescriptive authority. 591

(B) In exercising physician-delegated prescriptive authority, 592
a physician assistant is subject to all of the following: 593

(1) The physician assistant shall exercise 594
physician-delegated prescriptive authority only to the extent that 595
the physician supervising the physician assistant has granted that 596
authority. 597

(2) The physician assistant shall comply with all conditions 598

placed on the physician-delegated prescriptive authority, as 599
specified by the supervising physician who is supervising the 600
physician assistant in the exercise of physician-delegated 601
prescriptive authority. 602

(3) If the physician assistant possesses physician-delegated 603
prescriptive authority for controlled substances, the physician 604
assistant shall register with the federal drug enforcement 605
administration. 606

(4) If the physician assistant possesses physician-delegated 607
prescriptive authority for schedule II controlled substances, the 608
physician assistant shall comply with section 4730.411 of the 609
Revised Code. 610

Sec. 4730.411. (A) Except as provided in division (B) or (C) 611
of this section, a physician assistant may prescribe to a patient 612
a schedule II controlled substance only if all of the following 613
are the case: 614

(1) The patient is in a terminal condition, as defined in 615
section 2133.01 of the Revised Code. 616

(2) The physician assistant's supervising physician initially 617
prescribed the substance for the patient. 618

(3) The prescription is for an amount that does not exceed 619
the amount necessary for the patient's use in a single, 620
twenty-four-hour period. 621

(B) The restrictions on prescriptive authority in division 622
(A) of this section do not apply if a physician assistant issues 623
the prescription to the patient from any of the following 624
locations: 625

(1) A hospital registered under section 3701.07 of the 626
Revised Code; 627

(2) An entity owned or controlled, in whole or in part, by a 628

<u>hospital or by an entity that owns or controls, in whole or in</u>	629
<u>part, one or more hospitals;</u>	630
<u>(3) A health care facility operated by the department of</u>	631
<u>mental health or the department of developmental disabilities;</u>	632
<u>(4) A nursing home licensed under section 3721.02 of the</u>	633
<u>Revised Code or by a political subdivision certified under section</u>	634
<u>3721.09 of the Revised Code;</u>	635
<u>(5) A county home or district home operated under Chapter</u>	636
<u>5155. of the Revised Code that is certified under the medicare or</u>	637
<u>medicaid program;</u>	638
<u>(6) A hospice care program, as defined in section 3712.01 of</u>	639
<u>the Revised Code;</u>	640
<u>(7) A community mental health agency, as defined in section</u>	641
<u>5122.01 of the Revised Code;</u>	642
<u>(8) An ambulatory surgical facility, as defined in section</u>	643
<u>3702.30 of the Revised Code;</u>	644
<u>(9) A freestanding birthing center, as defined in section</u>	645
<u>3702.51 of the Revised Code;</u>	646
<u>(10) A federally qualified health center, as defined in</u>	647
<u>section 3701.047 of the Revised Code;</u>	648
<u>(11) A federally qualified health center look-alike, as</u>	649
<u>defined in section 3701.047 of the Revised Code;</u>	650
<u>(12) A health care office or facility operated by the board</u>	651
<u>of health of a city or general health district or the authority</u>	652
<u>having the duties of a board of health under section 3709.05 of</u>	653
<u>the Revised Code;</u>	654
<u>(13) A site where a medical practice is operated, but only if</u>	655
<u>the practice is comprised of one or more physicians who also are</u>	656
<u>owners of the practice; the practice is organized to provide</u>	657
<u>direct patient care; and the physician assistant has entered into</u>	658

a supervisory agreement with at least one of the physician owners 659
who practices primarily at that site. 660

(C) A physician assistant shall not issue to a patient a 661
prescription for a schedule II controlled substance from a 662
convenience care clinic even if the convenience care clinic is 663
owned or operated by an entity specified in division (B) of this 664
section. 665

(D) A pharmacist who acts in good faith reliance on a 666
prescription issued by a physician assistant under division (B) of 667
this section is not liable for or subject to any of the following 668
for relying on the prescription: damages in any civil action, 669
prosecution in any criminal proceeding, or professional 670
disciplinary action by the state board of pharmacy under Chapter 671
4729. of the Revised Code. 672

Sec. 4730.42. (A) In granting physician-delegated 673
prescriptive authority to a particular physician assistant who 674
holds a certificate to prescribe issued under this chapter, the 675
supervising physician is subject to all of the following: 676

(1) The supervising physician shall not grant 677
physician-delegated prescriptive authority for any drug or 678
therapeutic device that is not listed on the physician assistant 679
formulary ~~established in rules~~ adopted under section 4730.39 of 680
the Revised Code as a drug or therapeutic device that may be 681
included in the physician-delegated prescriptive authority granted 682
to a physician assistant. 683

(2) The supervising physician shall not grant 684
physician-delegated prescriptive authority for any drug or device 685
that may be used to perform or induce an abortion. 686

(3) The supervising physician shall not grant 687
physician-delegated prescriptive authority in a manner that 688

exceeds the supervising physician's prescriptive authority, 689
including the physician's authority to treat chronic pain with 690
controlled substances and products containing tramadol as 691
described in section 4731.052 of the Revised Code. 692

(4) The supervising physician shall supervise the physician 693
assistant in accordance with all of the following: 694

(a) The supervision requirements specified in section 4730.21 695
of the Revised Code and, in the case of supervision provided 696
during a provisional period of physician-delegated prescriptive 697
authority, the supervision requirements specified in section 698
4730.45 of the Revised Code; 699

(b) The physician supervisory plan approved for the 700
supervising physician or the policies of the health care facility 701
in which the physician and physician assistant are practicing; 702

(c) The supervision agreement approved under section 4730.19 703
of the Revised Code that applies to the supervising physician and 704
the physician assistant. 705

(B)(1) The supervising physician of a physician assistant may 706
place conditions on the physician-delegated prescriptive authority 707
granted to the physician assistant. If conditions are placed on 708
that authority, the supervising physician shall maintain a written 709
record of the conditions and make the record available to the 710
state medical board on request. 711

(2) The conditions that a supervising physician may place on 712
the physician-delegated prescriptive authority granted to a 713
physician assistant include the following: 714

(a) Identification by class and specific generic nomenclature 715
of drugs and therapeutic devices that the physician chooses not to 716
permit the physician assistant to prescribe; 717

(b) Limitations on the dosage units or refills that the 718

physician assistant is authorized to prescribe; 719

(c) Specification of circumstances under which the physician 720
assistant is required to refer patients to the supervising 721
physician or another physician when exercising physician-delegated 722
prescriptive authority; 723

(d) Responsibilities to be fulfilled by the physician in 724
supervising the physician assistant that are not otherwise 725
specified in the physician supervisory plan or otherwise required 726
by this chapter. 727

Sec. 4730.44. (A) A physician assistant seeking a certificate 728
to prescribe shall submit to the state medical board a written 729
application on a form prescribed and supplied by the board. The 730
application shall include all of the following information: 731

(1) The applicant's name, residential address, business 732
address, if any, and social security number; 733

(2) Evidence of holding a valid certificate to practice as a 734
physician assistant issued under this chapter; 735

(3) Satisfactory proof ~~that the applicant meets the~~ 736
~~requirements specified in section 4730.46 of the Revised Code to~~ 737
~~participate in a provisional period of physician-delegated~~ 738
~~prescriptive authority or satisfactory proof of successful~~ 739
~~completion of the provisional period, evidenced by a letter or~~ 740
~~copy of a letter attesting to the successful completion written by~~ 741
~~a supervising physician of the physician assistant at the time of~~ 742
~~completion of eligibility to receive a certificate to prescribe by~~ 743
meeting one of the requirements specified in division (B) of this 744
section; 745

(4) Any other information the board requires. 746

(B) To be eligible to receive a certificate to prescribe, an 747
applicant shall meet one of the following requirements: 748

(1) In the case of an applicant seeking to participate in a provisional period of physician-delegated prescriptive authority under section 4730.45 of the Revised Code, the applicant must meet the requirements to participate in the provisional period, as specified in section 4730.46 of the Revised Code. 749
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(2) In the case of an applicant seeking a certificate to prescribe after participating in a provisional period of physician-delegated prescriptive authority, the applicant must have successfully completed the provisional period, evidenced by a letter or copy of a letter attesting to the successful completion written by a physician who supervised the applicant at the time of completion. 754
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(3) In the case of an applicant who received a certificate to practice by meeting the educational and military experience requirements specified in division (C)(3) of section 4730.11 of the Revised Code, the applicant must have been authorized to prescribe drugs and therapeutic devices while practicing as a physician assistant. 761
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(4) In the case of an applicant who is not seeking a certificate to prescribe by meeting the requirements of division (B)(1), (2), or (3) of this section and has practiced as a physician assistant in another state or was credentialed or employed as a physician assistant by the United States government, the applicant must meet both of the following requirements: 767
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(a) Hold a master's or higher degree obtained from a program accredited by the accreditation review commission on education for the physician assistant or a predecessor or successor organization recognized by the board; 773
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(b) Have held valid authority issued by the other state or the United States government to prescribe therapeutic devices and drugs, including at least some controlled substances, evidenced by 777
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an affidavit issued by an appropriate agency or office of the 780
other state or the United States government attesting to that 781
prescriptive authority. 782

(C) At the time of making application for a certificate to 783
prescribe, the applicant shall pay the board a fee of one hundred 784
dollars, no part of which shall be returned. The fees shall be 785
deposited in accordance with section 4731.24 of the Revised Code. 786

~~(C)~~(D) The board shall review all applications received. If 787
an application is complete and the board determines that the 788
applicant meets the requirements for a certificate to prescribe, 789
the board shall issue the certificate to the applicant. The 790
initial certificate to prescribe issued to an applicant seeking to 791
participate in a provisional period of physician-delegated 792
prescriptive authority shall be issued as a provisional 793
certificate to prescribe. 794

Sec. 4730.46. (A) To be eligible to participate in the 795
provisional period of physician-delegated prescriptive authority 796
required by section 4730.45 of the Revised Code, both of the 797
following apply to a physician assistant: 798

(1) The physician assistant shall meet the educational 799
requirements specified in division (B)(1) or (2) of this section 800
~~or the educational and clinical experience requirements specified~~ 801
~~in division (B)(2) of this section.~~ 802

(2) The physician assistant shall successfully complete the 803
pharmacology instruction specified in division (C) of this 804
section. 805

(B)~~(1)~~ For purposes of division (A)(1) of this section, a 806
physician assistant shall meet either of the following educational 807
requirements ~~unless division (B)(2) of this section applies:~~ 808

~~(a)~~(1) The physician assistant shall hold a master's or 809

higher degree ~~that was~~ obtained from a program accredited by the 810
accreditation review commission on education for the physician 811
assistant or a predecessor or successor organization recognized by 812
the state medical board. 813

~~(b)(2)~~ The physician assistant shall hold a both of the 814
following degrees: 815

(a) A degree other than a master's or higher degree ~~that was~~ 816
obtained from a school or program accredited by the accreditation 817
review commission on education for the physician assistant or a 818
predecessor or successor organization recognized by the board ~~and~~ 819
~~shall hold a:~~ 820

(b) A master's or higher degree in a course of study with 821
clinical relevance to the practice of physician assistants that 822
was obtained from a program accredited by a regional or 823
specialized and professional accrediting agency recognized by the 824
council for higher education accreditation. 825

~~(2)~~ ~~Until two years after the effective date of the initial~~ 826
~~rules adopted under section 4730.39 of the Revised Code, a~~ 827
~~physician assistant who does not hold a master's or higher degree~~ 828
~~as specified in division (B)(1) of this section is eligible to~~ 829
~~participate in a provisional period if both of the following~~ 830
~~apply:~~ 831

~~(a)~~ ~~The physician assistant holds a degree other than a~~ 832
~~master's or higher degree that was obtained from a program~~ 833
~~accredited by the accreditation review commission on education for~~ 834
~~the physician assistant or a predecessor or successor organization~~ 835
~~recognized by the board.~~ 836

~~(b)~~ ~~The physician assistant has obtained not less than ten~~ 837
~~years of clinical experience as a physician assistant in this~~ 838
~~state or another jurisdiction, three years of which were obtained~~ 839
~~in the five year period immediately preceding the date the~~ 840

~~evidence is submitted to the supervising physician.~~ 841

(C) For purposes of division (A)(2) of this section, all of 842
the following conditions shall be met: 843

(1) The pharmacology instruction shall be completed not 844
longer than three years prior to applying for the certificate to 845
prescribe. 846

(2) The instruction shall be obtained through a course of 847
study consisting of planned classroom or continued education and 848
clinical study that meets either of the following conditions: 849

(a) It is accredited by the accreditation review commission 850
on education for the physician assistant or a predecessor or 851
successor organization recognized by the board. 852

(b) It is approved by the board in accordance with standards 853
established in rules adopted under section 4730.39 of the Revised 854
Code. 855

(3) The content of the instruction shall include all of the 856
following: 857

(a) A minimum of thirty contact hours of training in 858
pharmacology that includes pharmacokinetic principles and clinical 859
application and the use of drugs and therapeutic devices in the 860
prevention of illness and maintenance of health; 861

(b) A minimum of twenty contact hours of clinical training in 862
pharmacology; 863

(c) A minimum of fifteen contact hours including training in 864
the fiscal and ethical implications of prescribing drugs and 865
therapeutic devices and training in the state and federal laws 866
that apply to the authority to prescribe; 867

(d) Any additional training required pursuant to rules 868
adopted under section 4730.39 of the Revised Code. 869

Sec. 4755.48. (A) No person shall employ fraud or deception 870
in applying for or securing a license to practice physical therapy 871
or to be a physical therapist assistant. 872

(B) No person shall practice or in any way imply or claim to 873
the public by words, actions, or the use of letters as described 874
in division (C) of this section to be able to practice physical 875
therapy or to provide physical therapy services, including 876
practice as a physical therapist assistant, unless the person 877
holds a valid license under sections 4755.40 to 4755.56 of the 878
Revised Code or except for submission of claims as provided in 879
section 4755.56 of the Revised Code. 880

(C) No person shall use the words or letters, physical 881
therapist, physical therapy, physical therapy services, 882
physiotherapist, physiotherapy, physiotherapy services, licensed 883
physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., 884
D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical 885
therapist assistant, physical therapy technician, licensed 886
physical therapist assistant, L.P.T.A., R.P.T.A., or any other 887
letters, words, abbreviations, or insignia, indicating or implying 888
that the person is a physical therapist or physical therapist 889
assistant without a valid license under sections 4755.40 to 890
4755.56 of the Revised Code. 891

(D) No person who practices physical therapy or assists in 892
the provision of physical therapy treatments under the supervision 893
of a physical therapist shall fail to display the person's current 894
license granted under sections 4755.40 to 4755.56 of the Revised 895
Code in a conspicuous location in the place where the person 896
spends the major part of the person's time so engaged. 897

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 898
Code shall affect or interfere with the performance of the duties 899
of any physical therapist or physical therapist assistant in 900

active service in the army, navy, coast guard, marine corps, air 901
force, public health service, or marine hospital service of the 902
United States, while so serving. 903

(F) Nothing in sections 4755.40 to 4755.56 of the Revised 904
Code shall prevent or restrict the activities or services of a 905
person ~~pursing~~ pursuing a course of study leading to a degree in 906
physical therapy in an accredited or approved educational program 907
if the activities or services constitute a part of a supervised 908
course of study and the person is designated by a title that 909
clearly indicates the person's status as a student. 910

(G) ~~No~~ (1) Except as provided in division (G)(2) of this 911
section and subject to division (H) of this section, no person 912
shall practice physical therapy other than on the prescription of, 913
or the referral of a patient by, a person who is licensed in this 914
or another state to ~~practice~~ do at least one of the following: 915

(a) Practice medicine and surgery, chiropractic, dentistry, 916
osteopathic medicine and surgery, podiatric medicine and surgery, 917
~~or to practice;~~ 918

(b) Practice as a physician assistant; 919

(c) Practice nursing as a certified registered nurse 920
anesthetist, clinical nurse specialist, certified nurse-midwife, 921
or certified nurse practitioner, ~~within the scope of such~~ 922
~~practices, and whose license is in good standing, unless either of~~ 923
~~the following conditions is met:~~ 924

~~(1)(2)~~ The prohibition in division (G)(1) of this section on 925
practicing physical therapy other than on the prescription of, or 926
the referral of a patient by, any of the persons described in that 927
division does not apply if either of the following applies to the 928
person: 929

(a) The person holds a master's or doctorate degree from a 930
professional physical therapy program that is accredited by a 931

national physical therapy accreditation agency recognized by the 932
United States department of education. 933

~~(2)(b)~~ On or before December 31, 2004, the person has 934
completed at least two years of practical experience as a licensed 935
physical therapist. 936

(H) To be authorized to prescribe physical therapy or refer a 937
patient to a physical therapist for physical therapy, a person 938
described in division (G)(1) of this section must be in good 939
standing with the relevant licensing board in this state or the 940
state in which the person is licensed and must act only within the 941
person's scope of practice. 942

(I) In the prosecution of any person for violation of 943
division (B) or (C) of this section, it is not necessary to allege 944
or prove want of a valid license to practice physical therapy or 945
to practice as a physical therapist assistant, but such matters 946
shall be a matter of defense to be established by the accused. 947

Sec. 4755.481. (A) If a physical therapist evaluates and 948
treats a patient without the prescription of, or the referral of 949
the patient by, a person ~~who is licensed to practice medicine and 950
surgery, chiropractic, dentistry, osteopathic medicine and 951
surgery, podiatric medicine and surgery, or nursing as a certified 952
registered nurse anesthetist, clinical nurse specialist, certified 953
nurse midwife, or certified nurse practitioner~~ described in 954
division (G)(1) of section 4755.48 of the Revised Code, all of the 955
following apply: 956

(1) The physical therapist shall, upon consent of the 957
patient, inform the ~~patient's physician, chiropractor, dentist, 958
podiatrist, certified registered nurse anesthetist, clinical nurse 959
specialist, certified nurse midwife, or certified nurse 960
practitioner~~ relevant person described in division (G)(1) of 961
section 4755.48 of the Revised Code of the evaluation not later 962

than five business days after the evaluation is made. 963

(2) If the physical therapist determines, based on reasonable 964
evidence, that no substantial progress has been made with respect 965
to that patient during the thirty-day period immediately following 966
the date of the patient's initial visit with the physical 967
therapist, the physical therapist shall consult with or refer the 968
patient to a ~~licensed physician, chiropractor, dentist,~~ 969
~~podiatrist, certified registered nurse anesthetist, clinical nurse~~ 970
~~specialist, certified nurse midwife, or certified nurse~~ 971
~~practitioner~~ person described in division (G)(1) of section 972
4755.48 of the Revised Code, unless either of the following 973
applies: 974

(a) The evaluation, treatment, or services are being provided 975
for fitness, wellness, or prevention purposes. 976

(b) The patient previously was diagnosed with chronic, 977
neuromuscular, or developmental conditions and the evaluation, 978
treatment, or services are being provided for problems or symptoms 979
associated with one or more of those previously diagnosed 980
conditions. 981

(3) If the physical therapist determines that orthotic 982
devices are necessary to treat the patient, the physical therapist 983
shall be limited to the application of the following orthotic 984
devices: 985

(a) Upper extremity adaptive equipment used to facilitate the 986
activities of daily living; 987

(b) Finger splints; 988

(c) Wrist splints; 989

(d) Prefabricated elastic or fabric abdominal supports with 990
or without metal or plastic reinforcing stays and other 991
prefabricated soft goods requiring minimal fitting; 992

(e) Nontherapeutic accommodative inlays;	993
(f) Shoes that are not manufactured or modified for a particular individual;	994 995
(g) Prefabricated foot care products;	996
(h) Custom foot orthotics;	997
(i) Durable medical equipment.	998
(4) If, at any time, the physical therapist has reason to believe that the patient has symptoms or conditions that require treatment or services beyond the scope of practice of a physical therapist, the physical therapist shall refer the patient to a licensed health care practitioner acting within the practitioner's scope of practice.	999 1000 1001 1002 1003 1004
(B) Nothing in sections 4755.40 to 4755.56 of the Revised Code shall be construed to require reimbursement under any health insuring corporation policy, contract, or agreement, any sickness and accident insurance policy, the medical assistance program as defined in section 5111.01 of the Revised Code, or the health partnership program or qualified health plans established pursuant to sections 4121.44 to 4121.442 of the Revised Code, for any physical therapy service rendered without the prescription of, or the referral of the patient by, a licensed physician, chiropractor, dentist, podiatrist, certified registered nurse anesthetist, clinical nurse specialist, certified nurse midwife, or certified nurse practitioner <u>person described in division (G)(1) of section 4755.48 of the Revised Code.</u>	1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017
(C) For purposes of this section, "business day" means any calendar day that is not a Saturday, Sunday, or legal holiday. "Legal holiday" has the same meaning as in section 1.14 of the Revised Code.	1018 1019 1020 1021

following:	13
(1) A person certified by the state board of education under Chapter 3319. of the Revised Code while performing any services within the person's scope of employment by a board of education or by a private school meeting the standards prescribed by the state board of education under division (D) of section 3301.07 of the Revised Code or in a program operated under Chapter 5126. of the Revised Code for training individuals with mental retardation or other developmental disabilities;	14 15 16 17 18 19 20 21
(2) Psychologists or school psychologists licensed under Chapter 4732. of the Revised Code;	22 23
(3) Members of other professions licensed, certified, or registered by this state while performing services within the recognized scope, standards, and ethics of their respective professions;	24 25 26 27
(4) Rabbis, priests, Christian science practitioners, clergy, or members of religious orders and other individuals participating with them in pastoral counseling when the counseling activities are within the scope of the performance of their regular or specialized ministerial duties and are performed under the auspices or sponsorship of an established and legally cognizable church, denomination, or sect or an integrated auxiliary of a church as defined in federal tax regulations, paragraph (g)(5) of 26 C.F.R. 1.6033-2 (1995), and when the individual rendering the service remains accountable to the established authority of that church, denomination, sect, or integrated auxiliary;	28 29 30 31 32 33 34 35 36 37 38
(5) Any person employed in the civil service as defined in section 124.01 of the Revised Code while engaging in social work or professional counseling as a civil service employee;	39 40 41
(6) A student in an accredited educational institution while carrying out activities that are part of the student's prescribed	42 43

course of study if the activities are supervised as required by 44
the educational institution and if the student does not hold 45
herself or himself out as a person licensed or registered under 46
this chapter; 47

~~(7) Until two years after the date the department of alcohol 48
and drug addiction services ceases to administer its process for 49
the certification or credentialing of chemical dependency 50
counselors and alcohol and other drug prevention specialists under 51
section 3793.07 of the Revised Code, as specified in division (B) 52
of that section, or in the case of an individual who has the 53
expiration date of the individual's certificate or credentials 54
delayed under section 4758.04 of the Revised Code, until the date 55
of the delayed expiration, individuals with certification or 56
credentials accepted by the department under that section who are 57
acting within the scope of their certification or credentials as 58
members of the profession of chemical dependency counseling or as 59
alcohol and other drug prevention specialists; 60~~

~~(8)~~ Individuals who hold a license or certificate under 61
Chapter 4758. of the Revised Code who are acting within the scope 62
of their license or certificate as members of the profession of 63
chemical dependency counseling or alcohol and other drug 64
prevention services; 65

~~(9)~~(8) Any person employed by the American red cross while 66
engaging in activities relating to services for military families 67
and veterans and disaster relief, as described in the "American 68
National Red Cross Act," 33 Stat. 599 (1905), 36 U.S.C.A. 1, as 69
amended; 70

~~(10)~~(9) Members of labor organizations who hold union 71
counselor certificates while performing services in their official 72
capacity as union counselors; 73

~~(11)~~(10) Any person employed in a hospital as defined in 74

section 3727.01 of the Revised Code or in a nursing home as 75
defined in section 3721.01 of the Revised Code while providing as 76
a hospital employee or nursing home employee, respectively, social 77
services other than counseling and the use of psychosocial 78
interventions and social psychotherapy. 79

(B) Divisions (A)(5), ~~(9)(8)~~, and ~~(11)(10)~~ of this section do 80
not prevent a person described in those divisions from obtaining a 81
license or certificate of registration under this chapter. 82

Sec. 4758.01. As used in this chapter: 83

(A) "Accredited educational institution" means an educational 84
institution accredited by an accrediting agency accepted by the 85
Ohio board of regents. 86

(B)(1) "Alcohol and other drug clinical counseling 87
principles, methods, or procedures" means an approach to chemical 88
dependency counseling that emphasizes the chemical dependency 89
counselor's role in systematically assisting clients through all 90
of the following: 91

(a) Analyzing background and current information; 92

(b) Exploring possible solutions; 93

(c) Developing and providing a treatment plan; 94

(d) In the case of an independent chemical dependency 95
counselor-clinical supervisor, independent chemical dependency 96
counselor, or chemical dependency counselor III only, diagnosing 97
chemical dependency conditions. 98

(2) "Alcohol and other drug clinical counseling principles, 99
methods, or procedures" includes counseling, assessing, 100
consulting, and referral as they relate to chemical dependency 101
conditions. 102

(C) "Alcohol and other drug prevention services" means a 103

planned process of strategies and activities designed to preclude 104
the onset of the use of alcohol and other drugs, reduce 105
problematic use of alcohol and other drugs, or both. 106

(D) "Chemical dependency conditions" means those conditions 107
relating to the abuse of or dependency on alcohol or other drugs 108
that are classified in accepted nosologies, including the 109
diagnostic and statistical manual of mental disorders and the 110
international classification of diseases, and in editions of those 111
nosologies published after ~~the effective date of this section~~ 112
December 23, 2002. 113

(E) "Chemical dependency counseling" means rendering or 114
offering to render to individuals, groups, or the public a 115
counseling service involving the application of alcohol and other 116
drug clinical counseling principles, methods, or procedures to 117
assist individuals who are abusing or dependent on alcohol or 118
other drugs. 119

(F) ~~"Scope~~ Unless the context provides otherwise, "scope of 120
practice" means the services, methods, and techniques in which and 121
the areas for which a person who holds a license or certificate 122
under this chapter is trained and qualified. 123

(G) "Substance abuse professional" has the same meaning as in 124
49 C.F.R. 40.3. 125

(H) "U.S. department of transportation drug and alcohol 126
testing program" means a transportation workplace drug and alcohol 127
testing program governed by 49 C.F.R. part 40. 128

Sec. 4758.02. (A) ~~Effective two years after the date the~~ 129
~~department of alcohol and drug addiction services ceases to~~ 130
~~administer its certification and credentialing process under~~ 131
~~section 3793.07 of the Revised Code as specified in division (B)~~ 132
~~of that section and except~~ Except as provided in sections section 133

4758.03 and ~~4758.04~~ of the Revised Code, no person shall do any of 134
the following: 135

(1) Engage in or represent to the public that the person 136
engages in chemical dependency counseling for a fee, salary, or 137
other consideration unless the person holds a valid independent 138
chemical dependency counselor-clinical supervisor license, 139
independent chemical dependency counselor license, chemical 140
dependency counselor III license, chemical dependency counselor II 141
license, ~~chemical dependency counselor I certificate,~~ or chemical 142
dependency counselor assistant certificate issued under this 143
chapter; 144

(2) Use the title "licensed independent chemical dependency 145
counselor-clinical supervisor," "LICDC-CS," "licensed independent 146
chemical dependency counselor," "LICDC," "licensed chemical 147
dependency counselor III," "LCDC III," "licensed chemical 148
dependency counselor II," "LCDC II," ~~"certified chemical~~ 149
~~dependency counselor I," "CCDC I,"~~ "chemical dependency counselor 150
assistant," "CDCA," or any other title or description 151
incorporating the word "chemical dependency counselor" or any 152
other initials used to identify persons acting in those capacities 153
unless currently authorized under this chapter to act in the 154
capacity indicated by the title or initials; 155

(3) Represent to the public that the person is a registered 156
applicant unless the person holds a valid registered applicant 157
certificate issued under this chapter; 158

(4) Use the title "certified prevention specialist II," "CPS 159
II," "certified prevention specialist I," "CPS I," "certified 160
prevention specialist assistant," "CPSA," "registered applicant," 161
"RA," or any other title, description, or initials used to 162
identify persons acting in those capacities unless currently 163
authorized under this chapter to act in the capacity indicated by 164
the title or initials. 165

(B) ~~Effective six years after the effective date of this~~ 166
~~section, no~~ No person shall engage in or represent to the public 167
that the person engages in chemical dependency counseling as a 168
chemical dependency counselor I. 169

Sec. 4758.10. (A) There is hereby created the chemical 170
dependency professionals board. 171

(B) The governor shall appoint all of the following voting 172
members of the board with the advice and consent of the senate: 173

(1) Four individuals who hold a valid independent chemical 174
dependency counselor-clinical supervisor license or independent 175
chemical dependency counselor license issued under this chapter, 176
including at least two of whom have received at least a master's 177
degree in a field related to chemical dependency counseling from 178
an accredited educational institution; 179

(2) Two individuals who hold a valid chemical dependency 180
counselor III license issued under this chapter; 181

(3) One individual who holds a valid chemical dependency 182
counselor II license issued under this chapter; 183

(4) Two individuals who hold a valid prevention specialist II 184
certificate or prevention specialist I certificate issued under 185
this chapter; 186

(5) One individual who is authorized under Chapter 4731. of 187
the Revised Code to practice medicine and surgery or osteopathic 188
medicine and surgery and has experience practicing in a field 189
related to chemical dependency counseling; 190

(6) Two individuals who represent the public and have not 191
practiced chemical dependency counseling or alcohol and other drug 192
prevention services and have not been involved in the delivery of 193
chemical dependency counseling services or alcohol and other drug 194
prevention services. At least one of these individuals shall be at 195

least sixty years of age. During their terms, the public members 196
shall not practice chemical dependency counseling or alcohol and 197
other drug prevention services or be involved in the delivery of 198
chemical dependency counseling services or alcohol and other drug 199
prevention services. 200

(C) Not later than ninety days after ~~the effective date of~~ 201
~~this section~~ December 23, 2002, the director of alcohol and drug 202
addiction services shall appoint an individual who represents the 203
department of alcohol and drug addiction services to serve as an 204
ex officio member of the chemical dependency professionals board. 205

(D) Not more than one-half of the voting members of the board 206
may be of the same gender or members of the same political party. 207
At least two voting members of the board shall be of African, 208
Native American, Hispanic, or Asian descent. 209

Sec. 4758.20. (A) The chemical dependency professionals board 210
shall adopt rules to establish, specify, or provide for all of the 211
following: 212

(1) Fees for the purposes authorized by section 4758.21 of 213
the Revised Code; 214

(2) If the board, pursuant to section 4758.221 of the Revised 215
Code, elects to administer examinations for individuals seeking to 216
act as substance abuse professionals in a U.S. department of 217
transportation drug and alcohol testing program, the board's 218
administration of the examinations; 219

(3) For the purpose of section 4758.23 of the Revised Code, 220
codes of ethical practice and professional conduct for individuals 221
who hold a license or certificate issued under this chapter; 222

~~(3)~~(4) For the purpose of section 4758.24 of the Revised 223
Code, all of the following: 224

(a) Good moral character requirements for an individual who 225

seeks or holds a license or certificate issued under this chapter;	226
(b) The documents that an individual seeking such a license or certificate must submit to the board;	227 228
(c) Requirements to obtain the license or certificate that are in addition to the requirements established under sections <u>4758.39</u> , 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, and 4758.45 , <u>4758.46</u> , and <u>4758.47</u> of the Revised Code. The additional requirements may include preceptorships.	229 230 231 232 233
(4) Procedures for renewal of a chemical dependency counselor license under section 4758.27 of the Revised Code;	234 235
<u>(d) The period of time that an individual whose registered applicant certificate has expired must wait before applying for a new registered applicant certificate.</u>	236 237 238
(5) For the purpose of section 4758.28 of the Revised Code, requirements for approval of continuing education courses of study for individuals who hold a license or certificate issued under this chapter;	239 240 241 242
(6) For the purpose of section 4758.30 of the Revised Code, the intervention for and treatment of an individual holding a license or certificate issued under this chapter whose abilities to practice are impaired due to abuse of or dependency on alcohol or other drugs or other physical or mental condition;	243 244 245 246 247
(7) Requirements governing reinstatement of a suspended or revoked license or certificate under division (B) of section 4758.30 of the Revised Code, including requirements for determining the amount of time an individual must wait to apply for reinstatement;	248 249 250 251 252
(8) For the purpose of section 4758.31 of the Revised Code, methods of ensuring that all records the board holds pertaining to an investigation remain confidential during the investigation;	253 254 255

(9) Criteria for employees of the board to follow when performing their duties under division (B) of section 4758.35 of the Revised Code;	256 257 258
(10) For the purpose of <u>division (A)(1) of section 4758.39</u> and division (A)(1) of section 4758.40 of the Revised Code, course requirements for a degree in <u>a behavioral sciences science or nursing</u> that shall, at a minimum, include at least sixty quarter <u>forty semester</u> hours, or the equivalent number of semester hours, in all of the following courses:	259 260 261 262 263 264
(a) Theories of counseling and psychotherapy;	265
(b) Counseling procedures;	266
(c) Group process and techniques;	267
(d) Relationship therapy;	268
(e) Research methods and statistics;	269
(f) Fundamentals of assessment and diagnosis, including measurement and appraisal;	270 271
(g) Psychopathology;	272
(h) Human development;	273
(i) Cultural competence in counseling;	274
(j) Ethics.	275
(11) For the purpose of <u>division (A)(3) of section 4758.39,</u> division (A)(3) of section 4758.40, division (A)(3) of section 4758.41, and division (A)(3) of section 4758.42 <u>of the Revised Code</u> , training requirements for chemical dependency that shall, at a minimum, include qualifications for the individuals who provide the training and instruction in all of the following courses:	276 277 278 279 280 281
(a) Theories of addiction;	282
(b) Counseling procedures and strategies with addicted populations;	283 284

(c) Group process and techniques working with addicted populations;	285 286
(d) Assessment and diagnosis of addiction;	287
(e) Relationship counseling with addicted populations;	288
(f) Pharmacology;	289
(g) Prevention strategies;	290
(h) Treatment planning;	291
(i) Legal and ethical issues.	292
(12) For the purpose of division (B)(2)(b) of section 4758.40 and division (B)(2) of section 4758.41 of the Revised Code, requirements for the forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training, including the number of the clock hours that must be on substance-related disorders, the number of the clock hours that must be on chemical dependency conditions, and the number of the clock hours that must be on awareness of other mental and emotional disorders;	293 294 295 296 297 298 299 300 301
(13) For the purpose of division (A)(1) of section 4758.41 of the Revised Code, course requirements for a bachelor's degree in a behavioral sciences <u>science or nursing</u> ;	302 303 304
(14) For the purpose of division (A) of section 4758.43 of the Revised Code, training requirements for chemical dependency counseling that shall, at a minimum, include qualifications for the individuals who provide the training and instruction in one or more of the courses listed in division (A) (11) <u>(10)</u> of this section as selected by the individual seeking the chemical dependency counselor assistant certificate;	305 306 307 308 309 310 311
(15) <u>For the purpose of division (A)(2) of section 4758.44 of the Revised Code, the field of study in which an individual must obtain at least a bachelor's degree;</u>	312 313 314

(16) For the purpose of division (A)(3) of section 4758.44, 315
division (A)(3) of section 4758.45, and division ~~(A)(2)(D)~~ of 316
section ~~4758.53~~ 4758.46 of the Revised Code, requirements for 317
prevention-related education; 318

~~(16)~~(17) For the purpose of division (A)(4) of section 319
4758.44 of the Revised Code, the number of hours of administrative 320
or supervisory education that an individual must have; 321

(18) For the purpose of division (A)(2) of section 4758.45 of 322
the Revised Code, the field of study in which an individual must 323
obtain at least an associate's degree; 324

(19) For the purpose of section 4758.51 of the Revised Code, 325
continuing education requirements for individuals who hold a 326
license or certificate issued under this chapter; 327

~~(17)~~(20) For the purpose of section 4758.51 of the Revised 328
Code, the number of hours of continuing education that an 329
individual must complete to have an expired license or certificate 330
restored under section 4758.26 of the Revised Code; 331

~~(18)~~(21) For the purpose of divisions (A) and (B) of section 332
4758.53 4758.52 of the Revised Code, the training requirements an 333
individual holding a registered applicant certificate must 334
complete to take an examination administered pursuant to section 335
4758.22 of the Revised Code to obtain a prevention specialist II 336
certificate or prevention specialist I certificate and the 337
documentation the individual must submit to the board showing that 338
the individual has completed the requirements for chemical 339
dependency counseling; 340

~~(19)~~ The method of determining the amount of time an 341
individual must wait to apply to the board for a new registered 342
applicant certificate under division (B) of section 4758.53 of the 343
Revised Code; 344

~~(20)~~(22) The duties, which may differ, of an all of the 345

<u>following:</u>	346
<u>(a) An independent chemical dependency counselor</u>	347
<u>counselor-clinical supervisor</u> licensed under this chapter who	348
supervises a chemical dependency counselor III under section	349
4758.56 <u>of the Revised Code; independent</u>	350
<u>(b) An independent chemical dependency counselor-clinical</u>	351
<u>supervisor, independent</u> chemical dependency counselor, or chemical	352
dependency counselor III licensed under this chapter who	353
supervises a chemical dependency counselor assistant under section	354
4758.59 <u>of the Revised Code; or</u>	355
<u>(c) A prevention specialist II or prevention specialist I</u>	356
certified under this chapter or <u>independent chemical dependency</u>	357
<u>counselor-clinical supervisor, independent</u> chemical dependency	358
counselor, <u>or</u> chemical dependency counselor III, or chemical	359
dependency counselor II licensed under this chapter who supervises	360
a <u>prevention specialist assistant or</u> registered applicant under	361
section 4758.61 of the Revised Code. The duties may differ.	362
(21) <u>(23)</u> Anything else necessary to administer this chapter.	363
(B) All rules adopted under this section shall be adopted in	364
accordance with Chapter 119. of the Revised Code and any	365
applicable federal laws and regulations. Initial rules shall be	366
adopted not later than nine months after December 23, 2002.	367
(C) When it adopts rules under this section, the board may	368
consider standards established by any national association or	369
other organization representing the interests of those involved in	370
chemical dependency counseling or alcohol and other drug	371
prevention services.	372
Sec. 4758.21. (A) In accordance with rules adopted under	373
section 4758.20 of the Revised Code and subject to division (B) of	374
this section, the chemical dependency professionals board shall	375

establish, and may from time to time adjust, fees to be charged	376
for the following:	377
(1) Admitting an individual to an examination administered	378
pursuant to section 4758.22 of the Revised Code;	379
(2) Issuing an initial <u>independent chemical dependency</u>	380
<u>counselor-clinical supervisor license</u> , independent chemical	381
dependency counselor license, chemical dependency counselor III	382
license, chemical dependency counselor II license, chemical	383
dependency counselor assistant certificate, prevention specialist	384
II certificate, prevention specialist I certificate, <u>prevention</u>	385
<u>specialist assistant certificate</u> , or registered applicant	386
certificate;	387
(3) Renewing an <u>independent chemical dependency</u>	388
<u>counselor-clinical supervisor license</u> , independent chemical	389
dependency counselor license, chemical dependency counselor III	390
license, chemical dependency counselor II license, chemical	391
dependency counselor I certificate , chemical dependency counselor	392
assistant certificate, prevention specialist II certificate,	393
prevention specialist I certificate, or registered applicant	394
<u>prevention specialist assistant certificate</u> ;	395
(4) Approving continuing education courses under section	396
4758.28 of the Revised Code;	397
(5) Doing anything else the board determines necessary to	398
administer this chapter.	399
(B) The fees established under division (A) of this section	400
are nonrefundable. They shall be in amounts sufficient to cover	401
the necessary expenses of the board in administering this chapter	402
and rules adopted under it. The fees for a license or certificate	403
and the renewal of a license or certificate may differ for the	404
various types of licenses and certificates, but shall not exceed	405
one hundred seventy-five dollars each, unless the board determines	406

that amounts in excess of one hundred seventy-five dollars are 407
needed to cover its necessary expenses in administering this 408
chapter and rules adopted under it and the amounts in excess of 409
one hundred seventy-five dollars are approved by the controlling 410
board. 411

(C) All vouchers of the board shall be approved by the 412
chairperson or executive director of the board, or both, as 413
authorized by the board. 414

Sec. 4758.22. The chemical dependency professionals board 415
shall prepare, cause to be prepared, or procure the use of, and 416
grade, cause to be graded, or procure the grading of, examinations 417
to determine the competence of individuals seeking an independent 418
chemical dependency counselor-clinical supervisor license, 419
independent chemical dependency counselor license, chemical 420
dependency counselor III license, chemical dependency counselor II 421
license, prevention specialist II certificate, or prevention 422
specialist I certificate. The board may develop the examinations 423
or use examinations prepared by state or national organizations 424
that represent the interests of those involved in chemical 425
dependency counseling or alcohol and other drug prevention 426
services. The board shall conduct examinations at least twice each 427
year and shall determine the level of competence necessary for a 428
passing score. 429

An individual may not sit for an examination administered 430
pursuant to this section unless the individual meets the 431
requirements to obtain the license or certificate the individual 432
seeks, other than the requirement to have passed the examination, 433
and pays the fee established under section 4758.21 of the Revised 434
Code. An individual who is denied admission to the examination may 435
appeal the denial in accordance with Chapter 119. of the Revised 436
Code. 437

Sec. 4758.221. In accordance with rules adopted under section 438
4758.20 of the Revised Code, the chemical dependency professionals 439
board may administer examinations for individuals seeking to act 440
as substance abuse professionals in a U.S. department of 441
transportation drug and alcohol testing program. If it elects to 442
administer the examinations, the board shall use examinations that 443
comprehensively cover all the elements of substance abuse 444
professional qualification training listed in 49 C.F.R. 445
40.281(c)(1) and are prepared by a nationally recognized 446
professional or training organization that represents the 447
interests of those involved in chemical dependency counseling 448
services. 449

Sec. 4758.23. (A) In rules adopted under section 4758.20 of 450
the Revised Code, the chemical dependency professionals board 451
shall establish codes of ethical practice and professional conduct 452
for the following: 453

(1) Individuals who hold a valid independent chemical 454
dependency counselor-clinical supervisor license, independent 455
chemical dependency counselor license, chemical dependency 456
counselor III license, chemical dependency counselor II license, 457
~~chemical dependency counselor I certificate,~~ or chemical 458
dependency counselor assistant certificate issued under this 459
chapter; 460

(2) Individuals who hold a valid prevention specialist II 461
certificate, prevention specialist I certificate, prevention 462
specialist assistant certificate, or registered applicant 463
certificate issued under this chapter. 464

(B) The codes for individuals identified under division 465
(A)(1) of this section shall define unprofessional conduct, which 466
shall include engaging in a dual relationship with a client, 467

former client, consumer, or former consumer; committing an act of 468
sexual abuse, misconduct, or exploitation of a client, former 469
client, consumer, or former consumer; and, except as permitted by 470
law, violating client or consumer confidentiality. 471

(C) The codes for individuals identified under division 472
(A)(1) of this section may be based on any codes of ethical 473
practice and professional conduct developed by national 474
associations or other organizations representing the interests of 475
those involved in chemical dependency counseling. The codes for 476
individuals identified under division (A)(2) of this section may 477
be based on any codes of ethical practice and professional conduct 478
developed by national associations or other organizations 479
representing the interests of those involved in alcohol and other 480
drug prevention services. The board may establish standards in the 481
codes that are more stringent than those established by the 482
national associations or other organizations. 483

Sec. 4758.24. (A) The chemical dependency professionals board 484
shall issue a license or certificate under this chapter to an 485
individual who meets all of the following requirements: 486

(1) Is of good moral character as determined in accordance 487
with rules adopted under section 4758.20 of the Revised Code; 488

(2) ~~Submits~~ Except as provided in section 4758.241 of the 489
Revised Code, submits a properly completed application and all 490
other documentation specified in rules adopted under section 491
4758.20 of the Revised Code; 492

(3) ~~Pays~~ Except as provided in section 4758.241 of the 493
Revised Code, pays the fee established under section 4758.21 of 494
the Revised Code for the license or certificate that the 495
individual seeks; 496

(4) Meets the requirements to obtain the license or 497

certificate that the individual seeks as specified in section 498
~~4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, or 4758.45,~~ 499
4758.46, or 4758.47 of the Revised Code; 500

(5) Meets any additional requirements specified in rules 501
adopted under section 4758.20 of the Revised Code to obtain the 502
license or certificate that the individual seeks. 503

(B) The board shall not ~~issue an initial~~ do either of the 504
following: 505

(1) Issue a certificate to practice as a chemical dependency 506
counselor I; 507

(2) Issue a new registered applicant certificate to an 508
individual whose previous registered applicant certificate has 509
been expired for less than the period of time specified in rules 510
adopted under section 4758.20 of the Revised Code. 511

Sec. 4758.241. The chemical dependency professionals board 512
shall issue an independent chemical dependency counselor-clinical 513
supervisor license under section 4758.24 of the Revised Code to 514
each individual who, on the effective date of this section, holds 515
a valid independent chemical dependency counselor license without 516
requiring the individual to comply with divisions (A)(2) and (3) 517
of that section. 518

Sec. 4758.26. (A) ~~Except as provided in~~ Subject to section 519
~~4758.27~~ 4758.30 of the Revised Code, a license or certificate 520
issued under this chapter, ~~other than a registered applicant~~ 521
~~certificate,~~ expires ~~two years~~ the following period of time after 522
it is issued and ~~may be renewed in accordance with the standard~~ 523
~~renewal procedure established under Chapter 4745.~~ of the Revised 524
Code: 525

(1) In the case of an initial chemical dependency counselor 526
assistant certificate, thirteen months; 527

(2) In the case of any other license or certificate, two 528
years. 529

(B) Subject to section 4758.30 of the Revised Code and except 530
as provided in section 4758.27 of the Revised Code, the chemical 531
dependency professionals board shall renew a license or 532
certificate issued under this chapter, ~~other than a registered~~ 533
~~applicant certificate,~~ in accordance with the standard renewal 534
procedure established under Chapter 4745. of the Revised Code if 535
the individual seeking the renewal pays the renewal fee 536
established under section 4758.21 of the Revised Code and does the 537
following: 538

(1) In the case of an individual seeking renewal of an 539
initial chemical dependency counselor assistant certificate, 540
satisfies the additional training requirement established under 541
section 4758.52 of the Revised Code; 542

(2) In the case of any other individual, satisfies the 543
continuing education requirements established under section 544
4758.51 of the Revised Code. 545

(C) ~~Except~~ Subject to section 4758.30 of the Revised Code and 546
~~except~~ as provided in section 4758.27 of the Revised Code, a 547
license or certificate issued under this chapter, ~~other than a~~ 548
~~registered applicant certificate,~~ that has expired may be restored 549
if the individual seeking the restoration, not later than two 550
years after the license or certificate expires, applies for 551
restoration of the license or certificate. The board shall issue a 552
restored license or certificate to the individual if the 553
individual pays the renewal fee established under section 4758.21 554
of the Revised Code and does the following: 555

(1) In the case of an individual whose initial chemical 556
dependency counselor assistant certificate expired, satisfies the 557
additional training requirement established under section 4758.52 558

of the Revised Code; 559

(2) In the case of any other individual, satisfies the 560
continuing education requirements established under section 561
4758.51 of the Revised Code for restoring the license or 562
certificate. ~~The~~ 563

The board shall not require an individual to take an 564
examination as a condition of having an expired license or 565
certificate restored under this section. 566

~~Sec. 4758.27. Until the date that is six years after the~~ 567
~~effective date of this section, the chemical dependency~~ 568
~~professionals board shall renew a certificate that on the~~ 569
~~effective date of this section is accepted under section 3793.07~~ 570
~~of the Revised Code as authority to practice as a chemical~~ 571
~~dependency counselor I if the individual holding the certificate~~ 572
~~renews the certificate in accordance with rules adopted under~~ 573
~~section 4758.20 of the Revised Code and pays the renewal fee~~ 574
~~established under section 4758.21 of the Revised Code. Subsequent~~ 575
~~renewals shall be done under section 4758.26 of the Revised Code.~~ 576

~~After the date that is six years after the effective date of~~ 577
~~this section, the The chemical dependency professionals board~~ 578
shall not renew ~~under this section, or renew~~ or restore under 579
section 4758.26 of the Revised Code, ~~a~~ either of the following: 580

(A) A certificate to practice as a ~~certified~~ chemical 581
dependency counselor I; 582

(B) A registered applicant certificate. 583

Sec. 4758.30. (A) The chemical dependency professionals 584
board, in accordance with Chapter 119. of the Revised Code, may 585
refuse to issue a license or certificate applied for under this 586
chapter; refuse to renew or restore a license or certificate 587
issued under this chapter; suspend, revoke, or otherwise restrict 588

a license or certificate issued under this chapter; or reprimand 589
an individual holding a license or certificate issued under this 590
chapter. These actions may be taken by the board regarding the 591
applicant for a license or certificate or the individual holding a 592
license or certificate for one or more of the following reasons: 593

(1) Violation of any provision of this chapter or rules 594
adopted under it; 595

(2) Knowingly making a false statement on an application for 596
a license or certificate or for renewal, restoration, or 597
reinstatement of a license or certificate; 598

(3) Acceptance of a commission or rebate for referring an 599
individual to a person who holds a license or certificate issued 600
by, or who is registered with, an entity of state government, 601
including persons practicing chemical dependency counseling, 602
alcohol and other drug prevention services, or fields related to 603
chemical dependency counseling or alcohol and other drug 604
prevention services; 605

(4) Conviction in this or any other state of any crime that 606
is a felony in this state; 607

(5) Conviction in this or any other state of a misdemeanor 608
committed in the course of practice as an independent chemical 609
dependency counselor-clinical supervisor, independent chemical 610
dependency counselor, chemical dependency counselor III, chemical 611
dependency counselor II, ~~chemical dependency counselor I~~, chemical 612
dependency counselor assistant, prevention specialist II, 613
prevention specialist I, prevention specialist assistant, or 614
registered applicant; 615

(6) Inability to practice as an independent chemical 616
dependency counselor-clinical supervisor, independent chemical 617
dependency counselor, chemical dependency counselor III, chemical 618
dependency counselor II, ~~chemical dependency counselor I~~, chemical 619

dependency counselor assistant, prevention specialist II, 620
prevention specialist I, prevention specialist assistant, or 621
registered applicant due to abuse of or dependency on alcohol or 622
other drugs or other physical or mental condition; 623

(7) Practicing outside the individual's scope of practice; 624

(8) Practicing without complying with the supervision 625
requirements specified under section 4758.56, 4758.59, or 4758.61 626
of the Revised Code; 627

(9) Violation of the code of ethical practice and 628
professional conduct for chemical dependency counseling or alcohol 629
and other drug prevention services adopted by the board pursuant 630
to section 4758.23 of the Revised Code; 631

(10) Revocation of a license or certificate or voluntary 632
surrender of a license or certificate in another state or 633
jurisdiction for an offense that would be a violation of this 634
chapter. 635

(B) An individual whose license or certificate has been 636
suspended or revoked under this section may apply to the board for 637
reinstatement after an amount of time the board shall determine in 638
accordance with rules adopted under section 4758.20 of the Revised 639
Code. The board may accept or refuse an application for 640
reinstatement. The board may require an examination for 641
reinstatement of a license or certificate that has been suspended 642
or revoked. 643

Sec. 4758.39. An individual seeking an independent chemical 644
dependency counselor-clinical supervisor license shall meet the 645
requirements of division (A) or (B) of this section. 646

(A) To meet the requirements of this division, an individual 647
must meet all of the following requirements: 648

(1) Hold from an accredited educational institution at least 649

a master's degree in either a behavioral science or nursing that 650
meets the course requirements specified in rules adopted under 651
section 4758.20 of the Revised Code; 652

(2) Have not less than six thousand hours of compensated work 653
or supervised internship experience (including at least two 654
thousand hours of clinical supervisory experience as part of the 655
compensated work or supervised internship) in any of the 656
following, not less than one thousand two hundred hours of which 657
are in chemical dependency counseling; 658

(a) Chemical dependency services, substance abuse services, 659
or both types of services; 660

(b) The practice of psychology, as defined in section 4732.01 661
of the Revised Code; 662

(c) The practice of professional counseling, the practice of 663
social work, or the practice of marriage and family therapy, all 664
as defined in section 4757.01 of the Revised Code. 665

(3) Have a minimum of one hundred eighty hours of training in 666
chemical dependency that meets the requirements specified in rules 667
adopted under section 4758.20 of the Revised Code; 668

(4) Unless the individual holds a valid license, 669
registration, certificate, or credentials issued under another 670
chapter of the Revised Code that authorizes the individual to 671
engage in a profession whose scope of practice includes the 672
clinical supervision of chemical dependency counseling, chemical 673
dependency counseling, and diagnosing and treating chemical 674
dependency conditions, pass one or more examinations administered 675
pursuant to section 4758.22 of the Revised Code for the purpose of 676
determining competence to practice as an independent chemical 677
dependency counselor-clinical supervisor. 678

(B) To meet the requirement of this division, an individual 679
must hold, on the effective date of this section, a valid 680

independent chemical dependency counselor license. 681

Sec. 4758.40. An individual seeking an independent chemical 682
dependency counselor license shall meet ~~either of the following~~ 683
~~requirements~~ of division (A) or (B) of this section. 684

(A) ~~Meet~~ To meet the requirements of this division, an 685
individual must meet all of the following requirements: 686

(1) Hold from an accredited educational institution at least 687
a master's degree in a behavioral ~~sciences~~ science or nursing that 688
meets the course requirements specified in rules adopted under 689
section 4758.20 of the Revised Code; 690

(2) Have not less than ~~four~~ two thousand hours of compensated 691
work or supervised internship experience in ~~either~~ any of the 692
following, not less than ~~eight~~ four hundred hours of which are in 693
chemical dependency counseling: 694

(a) Chemical dependency services, substance abuse services, 695
or both types of services; 696

(b) The practice of psychology, as defined in section 4732.01 697
of the Revised Code, ~~or the;~~ 698

(c) The practice of professional counseling or, the practice 699
of social work, ~~both~~ or the practice of marriage and family 700
therapy, all as defined in section 4757.01 of the Revised Code. 701

(3) Have a minimum of ~~two~~ one hundred ~~seventy~~ eighty hours of 702
training in chemical dependency that meets the requirements 703
specified in rules adopted under section 4758.20 of the Revised 704
Code; 705

(4) ~~Pass~~ Unless the individual holds a valid license, 706
registration, certificate, or credentials issued under another 707
chapter of the Revised Code that authorizes the individual to 708
engage in a profession whose scope of practice includes chemical 709
dependency counseling and diagnosing and treating chemical 710

dependency conditions, pass one or more examinations administered 711
pursuant to section 4758.22 of the Revised Code for the purpose of 712
determining competence to practice as an independent chemical 713
dependency counselor. 714

(B) ~~Meet~~ To meet the requirements of this division, an 715
individual must meet both of the following requirements: 716

(1) Hold, on December 23, 2002, a certificate or credentials 717
that were accepted under former section 3793.07 of the Revised 718
Code as authority to practice as a certified chemical dependency 719
counselor III or certified chemical dependency counselor III-E; 720

(2) Meet one of the following requirements: 721

(a) Hold the degree described in division (A)(1) of this 722
section; 723

(b) Have held a chemical dependency counselor III, II, or I 724
certificate for at least eight consecutive years and have not less 725
than forty clock hours of training on the version of the 726
diagnostic and statistical manual of mental disorders that is 727
current at the time of the training. The training must meet the 728
requirements specified in rules adopted under section 4758.20 of 729
the Revised Code. An individual authorized under Chapter 4731. of 730
the Revised Code to practice medicine and surgery or osteopathic 731
medicine and surgery, a psychologist licensed under Chapter 4732. 732
of the Revised Code, or a professional clinical counselor or 733
independent social worker licensed under Chapter 4757. of the 734
Revised Code may provide any portion of the training. An 735
independent chemical dependency counselor licensed under this 736
chapter who holds the degree described in division (A)(1) of this 737
section may provide the portion of the training on chemical 738
dependency conditions. 739

Sec. 4758.41. An individual seeking a chemical dependency 740

counselor III license shall meet ~~any of the following~~ 741
requirements of division (A), (B), or (C) of this section. 742

(A) ~~Meet~~ To meet the requirements of this division, an 743
individual must meet all of the following requirements: 744

(1) Hold from an accredited educational institution at least 745
a bachelor's degree in a behavioral science or nursing that meets 746
the course requirements specified in rules adopted under section 747
4758.20 of the Revised Code; 748

(2) Have not less than ~~four~~ two thousand hours of compensated 749
work or supervised internship experience in ~~either~~ any of the 750
following, not less than ~~eight~~ four hundred ~~work~~ hours of which 751
are in chemical dependency counseling: 752

(a) Chemical dependency services, substance abuse services, 753
or both types of services; 754

(b) The practice of psychology, as defined in section 4732.01 755
of the Revised Code, ~~or the;~~ 756

(c) The practice of professional counseling or, the practice 757
of social work, ~~both~~ or the practice of marriage and family 758
therapy, all as defined in section 4757.01 of the Revised Code. 759

(3) Have a minimum of ~~two~~ one hundred ~~seventy~~ eighty hours of 760
training in chemical dependency that meets the requirements 761
specified in rules adopted under section 4758.20 of the Revised 762
Code; 763

(4) ~~Pass~~ Unless the individual holds a valid license, 764
registration, certificate, or credentials issued under another 765
chapter of the Revised Code that authorizes the individual to 766
engage in a profession whose scope of practice includes chemical 767
dependency counseling and diagnosing and treating chemical 768
dependency conditions, pass one or more examinations administered 769
pursuant to section 4758.22 of the Revised Code for the purpose of 770

determining competence to practice as a chemical dependency counselor III. 771
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(B) ~~Meet~~ To meet the requirements of this division, an individual must meet both of the following requirements: 773
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(1) Hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor III or certified chemical dependency counselor III-E; 775
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(2) Have not less than forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training. The training must meet the requirements specified in rules adopted under section 4758.20 of the Revised Code. An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, a psychologist licensed under Chapter 4732. of the Revised Code, or a professional clinical counselor or independent social worker licensed under Chapter 4757. of the Revised Code may provide any portion of the training. An independent chemical dependency counselor licensed under this chapter who holds the degree described in division (A)(1) of section 4758.40 of the Revised Code may provide the portion of the training on chemical dependency conditions. 779
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(C) ~~Meet~~ To meet the requirements of this division, an individual must meet all of the following requirements: 794
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(1) Hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor II; 796
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(2) Meet the requirement of division (B)(2) of this section; 800

(3) Hold a bachelor's degree in a behavioral science. 801

Sec. 4758.42. An individual seeking a chemical dependency counselor II license shall meet ~~either of the following requirements~~ of division (A) or (B) of this section.

(A) ~~Meet~~ To meet the requirements of this division, an individual must meet all of the following requirements:

(1) Hold from an accredited educational institution an associate's degree in a behavioral science or nursing or a bachelor's degree in any field;

~~(2)(a) If the individual holds an associate's degree, have~~ Have not less than ~~five~~ two thousand hours of compensated ~~or~~ volunteer work, ~~field placement, intern, or practicum supervised~~ internship experience in ~~either~~ any of the following, not less than ~~one thousand~~ four hundred hours of which are in chemical dependency counseling:

~~(i)(a)~~ (a) Chemical dependency services, substance abuse services, or both types of services;

~~(ii)(b)~~ (b) The practice of psychology, as defined in section 4732.01 of the Revised Code, ~~or the~~

(c) ~~The~~ practice of professional counseling ~~or,~~ the practice of social work, ~~both~~ or the practice of marriage and family therapy, all as defined in section 4757.01 of the Revised Code.

~~(b) If the individual holds a bachelor's degree, have not less than six thousand hours of compensated or volunteer work, field placement, intern, or practicum experience in either of the following, not less than one thousand two hundred hours of which are in chemical dependency counseling:~~

~~(i) Chemical dependency services, substance abuse services, or both types of services;~~

~~(ii) The practice of psychology, as defined in section 4732.01 of the Revised Code, or the practice of professional~~

~~counseling or the practice of social work, both as defined in~~ 832
~~section 4757.01 of the Revised Code.~~ 833

(3) Have a minimum of ~~two~~ one hundred ~~seventy~~ eighty hours of 834
training in chemical dependency that meets the requirements 835
specified in rules adopted under section 4758.20 of the Revised 836
Code; 837

(4) Pass one or more examinations administered pursuant to 838
section 4758.22 of the Revised Code for the purpose of determining 839
competence to practice as a chemical dependency counselor II. 840

(B) ~~Hold~~ To meet the requirement of this division, an 841
individual must hold, on December 23, 2002, a certificate or 842
credentials that were accepted under former section 3793.07 of the 843
Revised Code as authority to practice as a certified chemical 844
dependency counselor II. 845

Sec. 4758.43. An individual seeking a chemical dependency 846
counselor assistant certificate shall meet either of the following 847
requirements: 848

(A) Have at least forty hours of training in chemical 849
dependency counseling that meets the requirements specified in 850
rules adopted under section 4758.20 of the Revised Code; ~~i~~ 851

(B) Hold, on ~~the effective date of this section~~ December 23, 852
2002, a certificate or credentials that were accepted under former 853
section 3793.07 of the Revised Code as authority to practice as a 854
registered candidate. 855

Sec. 4758.44. An individual seeking a prevention specialist 856
II certificate shall meet ~~either of the following~~ requirements; of 857
division (A) or (B) of this section. 858

(A) ~~Meet~~ To meet the requirements of this division, an 859
individual must meet all of the following requirements: 860

(1) Have at least six thousand hours of compensated work 861
experience in which ~~not less than fifty per cent of the~~ 862
~~individual's time was devoted to planning, coordinating in alcohol~~ 863
and other drug prevention services, including at least four 864
thousand hours of administering or delivering alcohol and other 865
drug prevention supervising the services; 866

(2) ~~Have one of the following:~~ 867

~~(a) A bachelor's degree in a behavioral science and at least~~ 868
~~six thousand hours of compensated work experience in alcohol and~~ 869
~~other drug prevention services;~~ 870

~~(b) A master's or doctoral degree in a behavioral science and~~ 871
~~at least four thousand hours of compensated work experience in~~ 872
~~alcohol and other drug prevention services. Hold from an~~ 873
accredited educational institution at least a bachelor's degree in 874
a field of study specified in rules adopted under section 4758.20 875
of the Revised Code; 876

(3) Have at least ~~two~~ one hundred seventy hours of 877
prevention-related education that meets the requirements specified 878
in rules adopted under section 4758.20 of the Revised Code; 879

(4) ~~Obtain a registered applicant certificate under this~~ 880
~~chapter and comply with the requirements of~~ Have at least the 881
number of hours of administrative or supervisory education 882
specified in rules adopted under section ~~4758.53~~ 4758.20 of the 883
Revised Code; 884

(5) Pass ~~the examination~~ one or more examinations 885
administered pursuant to section 4758.22 of the Revised Code for 886
the purpose of determining competence to practice as a prevention 887
specialist II. 888

(B) ~~Hold~~ To meet the requirement of this division, an 889
individual must hold, on the effective date of this section 890
December 23, 2002, a certificate or credentials that were accepted 891

under former section 3793.07 of the Revised Code as authority to 892
practice as a certified prevention specialist II. 893

Sec. 4758.45. An individual seeking a prevention specialist I 894
certificate shall meet ~~either of the following~~ requirements: of 895
division (A) or (B) of this section. 896

(A) ~~Meet~~ To meet the requirements of this division, an 897
individual must meet all of the following requirements: 898

(1) Have at least two thousand hours of compensated or 899
volunteer work, field placement, intern, or practicum experience 900
in ~~which not less than twenty per cent of the individual's time~~ 901
~~was devoted to~~ alcohol and other drug prevention services, 902
including at least four hundred hours of planning or delivering 903
~~alcohol and other drug prevention~~ the services; 904

(2) ~~Have one of the following:~~ 905

~~(a) At least six thousand hours of compensated or volunteer~~ 906
~~work, field placement, intern, or practicum experience in alcohol~~ 907
~~and other drug prevention services;~~ 908

~~(b) An associate's degree in a behavioral science and at~~ 909
~~least four thousand hours of compensated or volunteer work, field~~ 910
~~placement, intern, or practicum experience in alcohol and other~~ 911
~~drug prevention services;~~ 912

~~(c) A bachelor's, master's, or doctoral degree in a~~ 913
~~behavioral science and at least two thousand hours of compensated~~ 914
~~or volunteer work, field placement, intern, or practicum~~ 915
~~experience in alcohol and other drug prevention services. Hold~~ 916
from an accredited educational institution at least an associate's 917
degree in a field of study specified in rules adopted under 918
section 4758.20 of the Revised Code; 919

(3) Have at least one hundred ~~eighty~~ hours of 920
prevention-related education that meets the requirements specified 921

in rules adopted under section 4758.20 of the Revised Code; 922

~~(4) Obtain a registered applicant certificate under this 923
chapter and comply with the requirements of section 4758.53 of the 924
Revised Code;~~ 925

~~(5) Pass the examination one or more examinations 926
administered pursuant to section 4758.22 of the Revised Code for 927
the purpose of determining competence to practice as a prevention 928
specialist I. 929~~

~~(B) Hold To meet the requirement of this division, an 930
individual must hold, on the effective date of this section 931
December 23, 2002, a certificate or credentials that were accepted 932
under former section 3793.07 of the Revised Code as authority to 933
practice as a certified prevention specialist I. 934~~

Sec. 4758.46. An individual seeking a prevention specialist 935
assistant certificate shall meet all of the following 936
requirements: 937

(A) Be at least eighteen years of age; 938

(B) Have at least a high school diploma or high school 939
equivalence diploma; 940

(C) Have at least one hundred hours of compensated or 941
volunteer work, field placement, intern, or practicum experience 942
in alcohol and other drug prevention services; 943

(D) Have at least forty-five hours of prevention-related 944
education that meets the requirements specified in rules adopted 945
under section 4758.20 of the Revised Code. 946

Sec. 4758.47. An individual seeking a registered applicant 947
certificate shall meet all of the following requirements: 948

(A) Be at least eighteen years of age; 949

(B) Have at least a high school diploma or high school 950
equivalence diploma; 951

(C) Submit to the chemical dependency professionals board a 952
professional development plan that is acceptable to the board. 953

Sec. 4758.51. (A) Except as provided in division ~~(B)~~(C) of 954
this section and in accordance with rules adopted under section 955
4758.20 of the Revised Code, each individual who holds a license 956
or certificate issued under this chapter, other than an initial 957
chemical dependency counselor assistant certificate, shall 958
complete during the period that the license or certificate is in 959
effect not less than ~~forty~~ the following number of clock hours of 960
continuing education as a condition of receiving a renewed license 961
or certificate; 962

(1) In the case of an individual holding a prevention 963
specialist assistant certificate, twenty; 964

(2) In the case of any other individual, forty. To have an 965
expired license or certificate restored, 966

(B) Except as provided in division (C) of this section, an 967
individual whose license or certificate issued under this chapter, 968
other than an initial chemical dependency counselor assistant 969
certificate, has expired shall complete the number of hours of 970
continuing education specified in rules adopted under section 971
4758.20 of the Revised Code as a condition of receiving a restored 972
license or certificate. 973

~~(B)~~(C) The chemical dependency professionals board may waive 974
the continuing education requirements established under this 975
section for individuals who are unable to fulfill them because of 976
military service, illness, residence outside the United States, or 977
any other reason the board considers acceptable. 978

Sec. 4758.52. (A) Except as provided in division (C) of this 979

section, each individual who holds an initial chemical dependency counselor assistant certificate shall complete, during the first twelve months that the initial certificate is in effect, at least thirty additional hours of training in chemical dependency counseling that meets the requirements specified in rules adopted under section 4758.20 of the Revised Code as a condition of having the initial certificate renewed. 980
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(B) Except as provided in division (C) of this section, an individual whose initial chemical dependency counselor assistant certificate has expired shall complete at least thirty additional hours of training in chemical dependency counseling that meets the requirements specified in rules adopted under section 4758.20 of the Revised Code as a condition of receiving a restored chemical dependency counselor assistant certificate. 987
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(C) The chemical dependency professionals board may waive the additional training requirement established under this section for individuals who are unable to fulfill the requirement because of military service, illness, residence outside the United States, or any other reason the board considers acceptable. 994
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Sec. 4758.54. In addition to practicing chemical dependency counseling, an individual holding a valid independent chemical dependency counselor-clinical supervisor license may do all of the following: 999
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(A) Diagnose and treat chemical dependency conditions; 1003

(B) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of and dependency on alcohol and other drugs; 1004
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(C) Provide clinical supervision of chemical dependency counseling; 1008
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(D) Refer individuals with nonchemical dependency conditions 1010
to appropriate sources of help. 1011

Sec. 4758.55. In addition to practicing chemical dependency 1012
counseling, an individual holding a valid independent chemical 1013
dependency counselor license may do all of the following: 1014

(A) Diagnose and treat chemical dependency conditions; 1015

(B) Perform treatment planning, assessment, crisis 1016
intervention, individual and group counseling, case management, 1017
and education services as they relate to abuse of and dependency 1018
on alcohol and other drugs; 1019

(C) Provide clinical supervision of chemical dependency 1020
counseling under the supervision of any of the following: 1021

(1) An independent chemical dependency counselor-clinical 1022
supervisor licensed under this chapter; 1023

(2) An individual authorized under Chapter 4731. of the 1024
Revised Code to practice medicine and surgery or osteopathic 1025
medicine and surgery; 1026

(3) A psychologist licensed under Chapter 4732. of the 1027
Revised Code; 1028

(4) A registered nurse licensed under Chapter 4723. of the 1029
Revised Code or professional clinical counselor, independent 1030
social worker, or independent marriage and family therapist 1031
licensed under Chapter 4757. of the Revised Code if such 1032
supervision is consistent with the scope of practice of the 1033
registered nurse, professional clinical counselor, independent 1034
social worker, or independent marriage and family therapist. 1035

(D) Refer individuals with nonchemical dependency conditions 1036
to appropriate sources of help. 1037

Sec. 4758.56. (A) In addition to practicing chemical 1038

dependency counseling, an individual holding a valid chemical 1039
dependency counselor III license may do all of the following: 1040

(1) Diagnose chemical dependency conditions under the 1041
supervision of any of the ~~following~~: 1042

~~(a) An independent chemical dependency counselor licensed 1043
under this chapter;~~ 1044

~~(b) An individual authorized under Chapter 4731. of the 1045
Revised Code to practice medicine and surgery or osteopathic 1046
medicine and surgery;~~ 1047

~~(c) A psychologist licensed under Chapter 4732. of the 1048
Revised Code;~~ 1049

~~(d) A registered nurse licensed under Chapter 4723. of the 1050
Revised Code or professional clinical counselor or independent 1051
social worker licensed under Chapter 4757. of the Revised Code if 1052
such supervision is consistent with the scope of practice of the 1053
registered nurse, professional clinical counselor, or independent 1054
social worker. professionals listed in section 4758.561 of the 1055
Revised Code; 1056~~

(2) Treat chemical dependency conditions; 1057

(3) Perform treatment planning, assessment, crisis 1058
intervention, individual and group counseling, case management, 1059
and education services as they relate to abuse of and dependency 1060
on alcohol and other drugs; 1061

(4) Provide clinical supervision of chemical dependency 1062
counseling under the supervision of any of the professionals 1063
listed in section 4758.561 of the Revised Code; 1064

(5) Refer individuals with nonchemical dependency conditions 1065
to appropriate sources of help. 1066

(B) A chemical dependency counselor III may not practice as 1067
an individual practitioner. 1068

Sec. 4758.561. Any of the following professionals may 1069
supervise a chemical dependency counselor III for purposes of 1070
divisions (A)(1) and (4) of section 4758.56 of the Revised Code: 1071

(A) An independent chemical dependency counselor-clinical 1072
supervisor licensed under this chapter; 1073

(B) An individual authorized under Chapter 4731. of the 1074
Revised Code to practice medicine and surgery or osteopathic 1075
medicine and surgery; 1076

(C) A psychologist licensed under Chapter 4732. of the 1077
Revised Code; 1078

(D) A registered nurse licensed under Chapter 4723. of the 1079
Revised Code or professional clinical counselor, independent 1080
social worker, or independent marriage and family therapist 1081
licensed under Chapter 4757. of the Revised Code if such 1082
supervision is consistent with the scope of practice of the 1083
registered nurse, professional clinical counselor, independent 1084
social worker, or independent marriage and family therapist. 1085

Sec. 4758.59. (A) Subject to division (B) of this section, an 1086
individual holding a valid chemical dependency counselor assistant 1087
certificate may do both of the following in addition to practicing 1088
chemical dependency counseling: 1089

(1) Perform treatment planning, assessment, crisis 1090
intervention, individual and group counseling, case management, 1091
and education services as they relate to abuse of or dependency on 1092
alcohol and other drugs; 1093

(2) Refer individuals with nonchemical dependency conditions 1094
to appropriate sources of help. 1095

(B) An individual holding a valid chemical dependency 1096
counselor assistant certificate may practice chemical dependency 1097
counseling and perform the tasks specified in division (A) of this 1098

section only while under the supervision of any of the following: 1099

(1) An independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter; 1100
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(2) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 1103
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(3) A psychologist licensed under Chapter 4732. of the Revised Code; 1106
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(4) A registered nurse licensed under Chapter 4723. of the Revised Code or professional clinical counselor ~~or,~~ independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code if such supervision is consistent with the scope of practice of the registered nurse, professional clinical counselor, ~~or~~ independent social worker, or independent marriage and family therapist. 1108
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(C) A chemical dependency counselor assistant may not practice as an individual practitioner. 1115
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Sec. 4758.61. An individual who holds a valid prevention specialist assistant certificate or registered applicant certificate issued under this chapter may engage in the practice of alcohol and other drug prevention services under the supervision of any of the following: 1117
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(A) A prevention specialist II or prevention specialist I certified under this chapter; 1122
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(B) An independent chemical dependency counselor-clinical supervisor, an independent chemical dependency counselor, or a chemical dependency counselor III, ~~or a chemical dependency counselor II~~ licensed under this chapter; 1124
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(C) An individual authorized under Chapter 4731. of the 1128

Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	1129 1130
(D) A psychologist licensed under Chapter 4732. of the Revised Code;	1131 1132
(E) A registered nurse licensed under Chapter 4723. of the Revised Code;	1133 1134
(F) A professional clinical counselor, a professional counselor, an independent social worker, or a social worker, <u>an independent marriage and family therapist, or a marriage and family therapist</u> licensed under Chapter 4757. of the Revised Code;	1135 1136 1137 1138
(G) A school counselor licensed by the department of education pursuant to section 3319.22 of the Revised Code;	1139 1140
(H) A health education specialist certified by the national commission for health education credentialing.	1141 1142
Sec. 4758.70. Except to the extent of providing services authorized by this chapter, this chapter does not authorize any individual to engage in <u>either of the following:</u>	1143 1144 1145
<u>(A) The practice of psychology as defined in section 4732.01 of the Revised Code.</u>	1146 1147
Except to the extent of providing services authorized by this chapter, this chapter does not authorize any individual to engage in the;	1148 1149 1150
<u>(B) The practice of professional counseling or, practice of social work, or practice of marriage and family therapy,</u> as those terms are defined in section 4757.01 of the Revised Code.	1151 1152 1153
Sec. 4765.01. As used in this chapter:	1022
(A) "First responder" means an individual who holds a current, valid certificate issued under section 4765.30 of the	1023 1024

Revised Code to practice as a first responder. 1025

(B) "Emergency medical technician-basic" or "EMT-basic" means 1026
an individual who holds a current, valid certificate issued under 1027
section 4765.30 of the Revised Code to practice as an emergency 1028
medical technician-basic. 1029

(C) "Emergency medical technician-intermediate" or "EMT-I" 1030
means an individual who holds a current, valid certificate issued 1031
under section 4765.30 of the Revised Code to practice as an 1032
emergency medical technician-intermediate. 1033

(D) "Emergency medical technician-paramedic" or "paramedic" 1034
means an individual who holds a current, valid certificate issued 1035
under section 4765.30 of the Revised Code to practice as an 1036
emergency medical technician-paramedic. 1037

(E) "Ambulance" means any motor vehicle that is used, or is 1038
intended to be used, for the purpose of responding to emergency 1039
medical situations, transporting emergency patients, and 1040
administering emergency medical service to patients before, 1041
during, or after transportation. 1042

(F) "Cardiac monitoring" means a procedure used for the 1043
purpose of observing and documenting the rate and rhythm of a 1044
patient's heart by attaching electrical leads from an 1045
electrocardiograph monitor to certain points on the patient's body 1046
surface. 1047

(G) "Emergency medical service" means any of the services 1048
described in sections 4765.35, 4765.37, 4765.38, and 4765.39 of 1049
the Revised Code that are performed by first responders, emergency 1050
medical technicians-basic, emergency medical 1051
technicians-intermediate, and paramedics. "Emergency medical 1052
service" includes such services performed before or during any 1053
transport of a patient, including transports between hospitals and 1054
transports to and from helicopters. 1055

(H) "Emergency medical service organization" means a public or private organization using first responders, EMTs-basic, EMTs-I, or paramedics, or a combination of first responders, EMTs-basic, EMTs-I, and paramedics, to provide emergency medical services.

(I) "Physician" means an individual who holds a current, valid certificate issued under Chapter 4731. of the Revised Code authorizing the practice of medicine and surgery or osteopathic medicine and surgery.

(J) "Registered nurse" means an individual who holds a current, valid license issued under Chapter 4723. of the Revised Code authorizing the practice of nursing as a registered nurse.

(K) "Volunteer" means a person who provides services either for no compensation or for compensation that does not exceed the actual expenses incurred in providing the services or in training to provide the services.

(L) "Emergency medical service personnel" means first responders, emergency medical service technicians-basic, emergency medical service technicians-intermediate, emergency medical service technicians-paramedic, and persons who provide medical direction to such persons.

(M) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(N) "Trauma" or "traumatic injury" means severe damage to or destruction of tissue that satisfies both of the following conditions:

(1) It creates a significant risk of any of the following:

(a) Loss of life;

(b) Loss of a limb;

(c) Significant, permanent disfigurement;

(d) Significant, permanent disability.	1086
(2) It is caused by any of the following:	1087
(a) Blunt or penetrating injury;	1088
(b) Exposure to electromagnetic, chemical, or radioactive energy;	1089 1090
(c) Drowning, suffocation, or strangulation;	1091
(d) A deficit or excess of heat.	1092
(O) "Trauma victim" or "trauma patient" means a person who has sustained a traumatic injury.	1093 1094
(P) "Trauma care" means the assessment, diagnosis, transportation, treatment, or rehabilitation of a trauma victim by emergency medical service personnel or by a physician, nurse, physician assistant, respiratory therapist, physical therapist, chiropractor, occupational therapist, speech-language pathologist, audiologist, or psychologist licensed to practice as such in this state or another jurisdiction.	1095 1096 1097 1098 1099 1100 1101
(Q) "Trauma center" means all of the following:	1102
(1) Any hospital that is verified by the American college of surgeons as an adult or pediatric trauma center;	1103 1104
(2) Any hospital that is operating as an adult or pediatric trauma center under provisional status pursuant to section 3727.101 of the Revised Code;	1105 1106 1107
(3) Until December 31, 2004, any hospital in this state that is designated by the director of health as a level II pediatric trauma center under section 3727.081 of the Revised Code;	1108 1109 1110
(4) Any hospital in another state that is licensed or designated under the laws of that state as capable of providing specialized trauma care appropriate to the medical needs of the trauma patient.	1111 1112 1113 1114

(R) "Pediatric" means involving a patient who is less than sixteen years of age.	1115 1116
(S) "Adult" means involving a patient who is not a pediatric patient.	1117 1118
(T) "Geriatric" means involving a patient who is at least seventy years old or exhibits significant anatomical or physiological characteristics associated with advanced aging.	1119 1120 1121
(U) "Air medical organization" means an organization that provides emergency medical services, or transports emergency victims, by means of fixed or rotary wing aircraft.	1122 1123 1124
(V) "Emergency care" and "emergency facility" have the same meanings as in section 3727.01 of the Revised Code.	1125 1126
(W) "Stabilize," except as it is used in division (B) of section 4765.35 of the Revised Code with respect to the manual stabilization of fractures, has the same meaning as in section 1753.28 of the Revised Code.	1127 1128 1129 1130
(X) "Transfer" has the same meaning as in section 1753.28 of the Revised Code.	1131 1132
(Y) "Firefighter" means any member of a fire department as defined in section 742.01 of the Revised Code.	1133 1134
(Z) "Volunteer firefighter" has the same meaning as in section 146.01 of the Revised Code.	1135 1136
(AA) "Part-time paid firefighter" means a person who provides firefighting services on less than a full-time basis, is routinely scheduled to be present on site at a fire station or other designated location for purposes of responding to a fire or other emergency, and receives more than nominal compensation for the provision of firefighting services.	1137 1138 1139 1140 1141 1142
<u>(BB) "Physician assistant" means an individual who holds a valid certificate to practice as a physician assistant issued</u>	1143 1144

under Chapter 4730. of the Revised Code. 1145

Sec. 4765.35. (A) A first responder shall perform the 1146
emergency medical services described in this section in accordance 1147
with this chapter and any rules adopted under it. 1148

(B) A first responder may provide limited emergency medical 1149
services to patients until the arrival of an emergency medical 1150
technician-basic, emergency medical technician-intermediate, or 1151
emergency medical technician-paramedic. In an emergency, a first 1152
responder may render emergency medical services such as opening 1153
and maintaining an airway, giving mouth to barrier ventilation, 1154
chest compressions, electrical interventions with automated 1155
defibrillators to support or correct the cardiac function and 1156
other methods determined by the board, controlling of hemorrhage, 1157
manual stabilization of fractures, bandaging, assisting in 1158
childbirth, and determining triage of trauma victims. 1159

(C) A first responder may perform any other emergency medical 1160
services approved pursuant to rules adopted under section 4765.11 1161
of the Revised Code. The board shall determine whether the nature 1162
of any such service requires that a first responder receive 1163
authorization prior to performing the service. 1164

(D)(1) Except as provided in division (D)(2) of this section, 1165
if the board determines under division (C) of this section that a 1166
service requires prior authorization, the service shall be 1167
performed only pursuant to the written or verbal authorization of 1168
a physician or of the cooperating physician advisory board, or 1169
pursuant to an authorization transmitted through a direct 1170
communication device by a physician, physician assistant 1171
designated by a physician, or registered nurse designated by a 1172
physician. 1173

(2) If communications fail during an emergency situation or 1174
the required response time prohibits communication, a first 1175

responder may perform services subject to this division, if, in 1176
the judgment of the first responder, the life of the patient is in 1177
immediate danger. Services performed under these circumstances 1178
shall be performed in accordance with the written protocols for 1179
triage of adult and pediatric trauma victims established in rules 1180
adopted under sections 4765.11 and 4765.40 of the Revised Code and 1181
any applicable protocols adopted by the emergency medical service 1182
organization with which the first responder is affiliated. 1183

Sec. 4765.36. In a hospital, an emergency medical 1184
technician-basic, emergency medical technician-intermediate, or 1185
emergency medical technician-paramedic may perform emergency 1186
medical services ~~only under the direction and supervision of a~~ 1187
~~physician or registered nurse designated by a physician and only~~ 1188
if the services are performed in accordance with both of the 1189
following conditions: 1190

(A) Only in the hospital's emergency department or while 1191
moving a patient between the emergency department and another part 1192
of the hospital; 1193

(B) Only under the direction and supervision of one of the 1194
following: 1195

(1) A physician; 1196

(2) A physician assistant designated by a physician; 1197

(3) A registered nurse designated by a physician. 1198

Sec. 4765.37. (A) An emergency medical technician-basic shall 1199
perform the emergency medical services described in this section 1200
in accordance with this chapter and any rules adopted under it by 1201
the state board of emergency medical services. 1202

(B) An emergency medical technician-basic may operate, or be 1203
responsible for operation of, an ambulance and may provide 1204

emergency medical services to patients. In an emergency, an 1205
EMT-basic may determine the nature and extent of illness or injury 1206
and establish priority for required emergency medical services. An 1207
EMT-basic may render emergency medical services such as opening 1208
and maintaining an airway, giving positive pressure ventilation, 1209
cardiac resuscitation, electrical interventions with automated 1210
defibrillators to support or correct the cardiac function and 1211
other methods determined by the board, controlling of hemorrhage, 1212
treatment of shock, immobilization of fractures, bandaging, 1213
assisting in childbirth, management of mentally disturbed 1214
patients, initial care of poison and burn patients, and 1215
determining triage of adult and pediatric trauma victims. Where 1216
patients must in an emergency be extricated from entrapment, an 1217
EMT-basic may assess the extent of injury and render all possible 1218
emergency medical services and protection to the entrapped 1219
patient; provide light rescue services if an ambulance has not 1220
been accompanied by a specialized unit; and after extrication, 1221
provide additional care in sorting of the injured in accordance 1222
with standard emergency procedures. 1223

(C) An EMT-basic may perform any other emergency medical 1224
services approved pursuant to rules adopted under section 4765.11 1225
of the Revised Code. The board shall determine whether the nature 1226
of any such service requires that an EMT-basic receive 1227
authorization prior to performing the service. 1228

(D)(1) Except as provided in division (D)(2) of this section, 1229
if the board determines under division (C) of this section that a 1230
service requires prior authorization, the service shall be 1231
performed only pursuant to the written or verbal authorization of 1232
a physician or of the cooperating physician advisory board, or 1233
pursuant to an authorization transmitted through a direct 1234
communication device by a physician, physician assistant 1235
designated by a physician, or registered nurse designated by a 1236

physician. 1237

(2) If communications fail during an emergency situation or 1238
the required response time prohibits communication, an EMT-basic 1239
may perform services subject to this division, if, in the judgment 1240
of the EMT-basic, the life of the patient is in immediate danger. 1241
Services performed under these circumstances shall be performed in 1242
accordance with the protocols for triage of adult and pediatric 1243
trauma victims established in rules adopted under sections 4765.11 1244
and 4765.40 of the Revised Code and any applicable protocols 1245
adopted by the emergency medical service organization with which 1246
the EMT-basic is affiliated. 1247

Sec. 4765.38. (A) An emergency medical 1248
technician-intermediate shall perform the emergency medical 1249
services described in this section in accordance with this chapter 1250
and any rules adopted under it. 1251

(B) An EMT-I may do any of the following: 1252

(1) Establish and maintain an intravenous lifeline that has 1253
been approved by a cooperating physician or physician advisory 1254
board; 1255

(2) Perform cardiac monitoring; 1256

(3) Perform electrical interventions to support or correct 1257
the cardiac function; 1258

(4) Administer epinephrine; 1259

(5) Determine triage of adult and pediatric trauma victims; 1260

(6) Perform any other emergency medical services approved 1261
pursuant to rules adopted under section 4765.11 of the Revised 1262
Code. 1263

(C)(1) Except as provided in division (C)(2) of this section, 1264
the services described in division (B) of this section shall be 1265

performed by an EMT-I only pursuant to the written or verbal 1266
authorization of a physician or of the cooperating physician 1267
advisory board, or pursuant to an authorization transmitted 1268
through a direct communication device by a physician, physician 1269
assistant designated by a physician, or registered nurse 1270
designated by a physician. 1271

(2) If communications fail during an emergency situation or 1272
the required response time prohibits communication, an EMT-I may 1273
perform any of the services described in division (B) of this 1274
section, if, in the judgment of the EMT-I, the life of the patient 1275
is in immediate danger. Services performed under these 1276
circumstances shall be performed in accordance with the protocols 1277
for triage of adult and pediatric trauma victims established in 1278
rules adopted under sections 4765.11 and 4765.40 of the Revised 1279
Code and any applicable protocols adopted by the emergency medical 1280
service organization with which the EMT-I is affiliated. 1281

(D) In addition to, and in the course of, providing emergency 1282
medical treatment, an emergency medical technician-intermediate 1283
may withdraw blood as provided under sections 1547.11, 4506.17, 1284
and 4511.19 of the Revised Code. An emergency medical 1285
technician-intermediate shall withdraw blood in accordance with 1286
this chapter and any rules adopted under it by the state board of 1287
emergency medical services. 1288

Sec. 4765.39. (A) An emergency medical technician-paramedic 1289
shall perform the emergency medical services described in this 1290
section in accordance with this chapter and any rules adopted 1291
under it. 1292

(B) A paramedic may do any of the following: 1293

(1) Perform cardiac monitoring; 1294

(2) Perform electrical interventions to support or correct 1295

the cardiac function;	1296
(3) Perform airway procedures;	1297
(4) Perform relief of pneumothorax;	1298
(5) Administer appropriate drugs and intravenous fluids;	1299
(6) Determine triage of adult and pediatric trauma victims;	1300
(7) Perform any other emergency medical services, including	1301
life support or intensive care techniques, approved pursuant to	1302
rules adopted under section 4765.11 of the Revised Code.	1303
(C)(1) Except as provided in division (C)(2) of this section,	1304
the services described in division (B) of this section shall be	1305
performed by a paramedic only pursuant to the written or verbal	1306
authorization of a physician or of the cooperating physician	1307
advisory board, or pursuant to an authorization transmitted	1308
through a direct communication device by a <u>physician, physician</u>	1309
<u>assistant designated by a physician</u> , or registered nurse	1310
designated by a physician.	1311
(2) If communications fail during an emergency situation or	1312
the required response time prohibits communication, a paramedic	1313
may perform any of the services described in division (B) of this	1314
section, if, in the paramedic's judgment, the life of the patient	1315
is in immediate danger. Services performed under these	1316
circumstances shall be performed in accordance with the protocols	1317
for triage of adult and pediatric trauma victims established in	1318
rules adopted under sections 4765.11 and 4765.40 of the Revised	1319
Code and any applicable protocols adopted by the emergency medical	1320
service organization with which the paramedic is affiliated.	1321
(D) In addition to, and in the course of, providing emergency	1322
medical treatment, <u>an</u> emergency medical technician-paramedic may	1323
withdraw blood as provided under sections 1547.11, 4506.17, and	1324
4511.19 of the Revised Code. An emergency medical	1325

technician-paramedic shall withdraw blood in accordance with this 1326
chapter and any rules adopted under it by the state board of 1327
emergency medical services. 1328

Sec. 4765.49. (A) A first responder, emergency medical 1329
technician-basic, emergency medical technician-intermediate, or 1330
emergency medical technician-paramedic is not liable in damages in 1331
a civil action for injury, death, or loss to person or property 1332
resulting from the individual's administration of emergency 1333
medical services, unless the services are administered in a manner 1334
that constitutes willful or wanton misconduct. A physician, 1335
physician assistant designated by a physician, or registered nurse 1336
designated by a physician, ~~who~~ any of whom is advising or 1337
assisting in the emergency medical services by means of any 1338
communication device or telemetering system, is not liable in 1339
damages in a civil action for injury, death, or loss to person or 1340
property resulting from the individual's advisory communication or 1341
assistance, unless the advisory communication or assistance is 1342
provided in a manner that constitutes willful or wanton 1343
misconduct. Medical directors and members of cooperating physician 1344
advisory boards of emergency medical service organizations are not 1345
liable in damages in a civil action for injury, death, or loss to 1346
person or property resulting from their acts or omissions in the 1347
performance of their duties, unless the act or omission 1348
constitutes willful or wanton misconduct. 1349

(B) A political subdivision, joint ambulance district, joint 1350
emergency medical services district, or other public agency, and 1351
any officer or employee of a public agency or of a private 1352
organization operating under contract or in joint agreement with 1353
one or more political subdivisions, that provides emergency 1354
medical services, or that enters into a joint agreement or a 1355
contract with the state, any political subdivision, joint 1356
ambulance district, or joint emergency medical services district 1357

for the provision of emergency medical services, is not liable in 1358
damages in a civil action for injury, death, or loss to person or 1359
property arising out of any actions taken by a first responder, 1360
EMT-basic, EMT-I, or paramedic working under the officer's or 1361
employee's jurisdiction, or for injury, death, or loss to person 1362
or property arising out of any actions of licensed medical 1363
personnel advising or assisting the first responder, EMT-basic, 1364
EMT-I, or paramedic, unless the services are provided in a manner 1365
that constitutes willful or wanton misconduct. 1366

(C) A student who is enrolled in an emergency medical 1367
services training program accredited under section 4765.17 of the 1368
Revised Code or an emergency medical services continuing education 1369
program approved under that section is not liable in damages in a 1370
civil action for injury, death, or loss to person or property 1371
resulting from either of the following: 1372

(1) The student's administration of emergency medical 1373
services or patient care or treatment, if the services, care, or 1374
treatment is administered while the student is under the direct 1375
supervision and in the immediate presence of an EMT-basic, EMT-I, 1376
paramedic, registered nurse, physician assistant, or physician and 1377
while the student is receiving clinical training that is required 1378
by the program, unless the services, care, or treatment is 1379
provided in a manner that constitutes willful or wanton 1380
misconduct; 1381

(2) The student's training as an ambulance driver, unless the 1382
driving is done in a manner that constitutes willful or wanton 1383
misconduct. 1384

(D) An EMT-basic, EMT-I, paramedic, or other operator, who 1385
holds a valid commercial driver's license issued pursuant to 1386
Chapter 4506. of the Revised Code or driver's license issued 1387
pursuant to Chapter 4507. of the Revised Code and who is employed 1388
by an emergency medical service organization that is not owned or 1389

operated by a political subdivision as defined in section 2744.01 1390
of the Revised Code, is not liable in damages in a civil action 1391
for injury, death, or loss to person or property that is caused by 1392
the operation of an ambulance by the EMT-basic, EMT-I, paramedic, 1393
or other operator while responding to or completing a call for 1394
emergency medical services, unless the operation constitutes 1395
willful or wanton misconduct or does not comply with the 1396
precautions of section 4511.03 of the Revised Code. An emergency 1397
medical service organization is not liable in damages in a civil 1398
action for any injury, death, or loss to person or property that 1399
is caused by the operation of an ambulance by its employee or 1400
agent, if this division grants the employee or agent immunity from 1401
civil liability for the injury, death, or loss. 1402

(E) An employee or agent of an emergency medical service 1403
organization who receives requests for emergency medical services 1404
that are directed to the organization, dispatches first 1405
responders, EMTs-basic, EMTs-I, or paramedics in response to those 1406
requests, communicates those requests to those employees or agents 1407
of the organization who are authorized to dispatch first 1408
responders, EMTs-basic, EMTs-I, or paramedics, or performs any 1409
combination of these functions for the organization, is not liable 1410
in damages in a civil action for injury, death, or loss to person 1411
or property resulting from the individual's acts or omissions in 1412
the performance of those duties for the organization, unless an 1413
act or omission constitutes willful or wanton misconduct. 1414

(F) A person who is performing the functions of a first 1415
responder, EMT-basic, EMT-I, or paramedic under the authority of 1416
the laws of a state that borders this state and who provides 1417
emergency medical services to or transportation of a patient in 1418
this state is not liable in damages in a civil action for injury, 1419
death, or loss to person or property resulting from the person's 1420
administration of emergency medical services, unless the services 1421

are administered in a manner that constitutes willful or wanton 1422
misconduct. A physician, physician assistant designated by a 1423
physician, or registered nurse designated by a physician, ~~who~~ any 1424
of whom is licensed to practice in the adjoining state and who is 1425
advising or assisting in the emergency medical services by means 1426
of any communication device or telemetering system, is not liable 1427
in damages in a civil action for injury, death, or loss to person 1428
or property resulting from the person's advisory communication or 1429
assistance, unless the advisory communication or assistance is 1430
provided in a manner that constitutes willful or wanton 1431
misconduct. 1432

(G) A person certified under section 4765.23 of the Revised 1433
Code to teach in an emergency medical services training program or 1434
emergency medical services continuing education program, and a 1435
person who teaches at the Ohio fire academy established under 1436
section 3737.33 of the Revised Code or in a fire service training 1437
program described in division (A) of section 4765.55 of the 1438
Revised Code, is not liable in damages in a civil action for 1439
injury, death, or loss to person or property resulting from the 1440
person's acts or omissions in the performance of the person's 1441
duties, unless an act or omission constitutes willful or wanton 1442
misconduct. 1443

(H) In the accreditation of emergency medical services 1444
training programs or approval of emergency medical services 1445
continuing education programs, the state board of emergency 1446
medical services and any person or entity authorized by the board 1447
to evaluate applications for accreditation or approval are not 1448
liable in damages in a civil action for injury, death, or loss to 1449
person or property resulting from their acts or omissions in the 1450
performance of their duties, unless an act or omission constitutes 1451
willful or wanton misconduct. 1452

(I) A person authorized by an emergency medical service 1453

organization to review the performance of first responders, 1454
EMTs-basic, EMTs-I, and paramedics or to administer quality 1455
assurance programs is not liable in damages in a civil action for 1456
injury, death, or loss to person or property resulting from the 1457
person's acts or omissions in the performance of the person's 1458
duties, unless an act or omission constitutes willful or wanton 1459
misconduct. 1460

Sec. 4765.51. Nothing in this chapter prevents or restricts 1461
the practice, services, or activities of any registered nurse 1462
practicing within the scope of ~~his~~ the registered nurse's 1463
practice. 1464

Nothing in this chapter prevents or restricts the practice, 1465
services, or activities of any physician assistant practicing in 1466
accordance with a physician supervisory plan approved under 1467
section 4730.17 of the Revised Code or the policies of the health 1468
care facility in which the physician assistant is practicing. 1469

Section 2. That existing sections 2133.211, 3719.06, 4730.06, 1470
4730.09, 4730.10, 4730.11, 4730.38, 4730.39, 4730.40, 4730.41, 1471
4730.42, 4730.44, 4730.46, 4755.48, 4755.481, 4757.41, 4758.01, 1154
4758.02, 4758.10, 4758.20, 4758.21, 4758.22, 4758.23, 4758.24, 1155
4758.26, 4758.27, 4758.30, 4758.40, 4758.41, 4758.42, 4758.43, 1156
4758.44, 4758.45, 4758.51, 4758.55, 4758.56, 4758.59, 4758.61, 1157
4758.70, 4765.01, 4765.35, 4765.36, 4765.37, 4765.38, 4765.39, 1472
4765.49, and 4765.51 and sections 3793.07, 4730.401, 4758.04, 1473
4758.53, and 4758.58 of the Revised Code are hereby repealed. 1160

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