

As Introduced

**129th General Assembly
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H. B. No. 303

Representative Schuring

Cosponsor: Representative Carney

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A B I L L

To amend sections 2305.113, 2711.22, 3963.01, 1
4503.44, 4723.01, 4723.03, 4723.06, 4723.07, 2
4723.08, 4723.09, 4723.17, 4723.171, 4723.24, 3
4723.271, 4723.28, 4723.32, 4723.34, 4723.35, 4
4723.41, 4723.42, 4723.43, 4723.431, 4723.44, 5
4723.48, 4723.482, 4723.61, 4723.64, 4723.65, 6
4723.651, 4723.652, 4723.66, 4723.67, 4723.68, 7
4723.69, 4723.71, 4723.72, 4723.73, 4723.74, 8
4723.75, 4723.751, 4723.76, 4723.77, 4723.79, 9
4723.83, 4723.84, 4723.87, 4723.88, 4723.99, 10
5111.88, and 5120.55; to amend, for the purpose of 11
adopting a new section number as indicated in 12
parentheses, sections 4723.17 (4723.18) and 13
4723.171 (4723.181) and to enact new section 14
4723.17 and sections 4723.091, 4723.092, 4723.19, 15
and 4723.653; and to repeal sections 4723.483, 16
4723.62, 4723.621, 4723.63, and 4723.78 of the 17
Revised Code to revise the law governing nurses, 18
medication aides, dialysis technicians, and 19
certified community health workers. 20

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

Section 1. That sections 2305.113, 2711.22, 3963.01, 4503.44, 21
4723.01, 4723.03, 4723.06, 4723.07, 4723.08, 4723.09, 4723.17, 22
4723.171, 4723.24, 4723.271, 4723.28, 4723.32, 4723.34, 4723.35, 23
4723.41, 4723.42, 4723.43, 4723.431, 4723.44, 4723.48, 4723.482, 24
4723.61, 4723.64, 4723.65, 4723.651, 4723.652, 4723.66, 4723.67, 25
4723.68, 4723.69, 4723.71, 4723.72, 4723.73, 4723.74, 4723.75, 26
4723.751, 4723.76, 4723.77, 4723.79, 4723.83, 4723.84, 4723.87, 27
4723.88, 4723.99, 5111.88, and 5120.55 be amended; sections 28
4723.17 (4723.18) and 4723.171 (4723.181) be amended for the 29
purpose of adopting new section numbers as indicated in 30
parentheses; and new section 4723.17 and sections 4723.091, 31
4723.092, 4723.19, and 4723.653 of the Revised Code be enacted to 32
read as follows: 33

Sec. 2305.113. (A) Except as otherwise provided in this 34
section, an action upon a medical, dental, optometric, or 35
chiropractic claim shall be commenced within one year after the 36
cause of action accrued. 37

(B)(1) If prior to the expiration of the one-year period 38
specified in division (A) of this section, a claimant who 39
allegedly possesses a medical, dental, optometric, or chiropractic 40
claim gives to the person who is the subject of that claim written 41
notice that the claimant is considering bringing an action upon 42
that claim, that action may be commenced against the person 43
notified at any time within one hundred eighty days after the 44
notice is so given. 45

(2) An insurance company shall not consider the existence or 46
nonexistence of a written notice described in division (B)(1) of 47
this section in setting the liability insurance premium rates that 48
the company may charge the company's insured person who is 49
notified by that written notice. 50

(C) Except as to persons within the age of minority or of
unsound mind as provided by section 2305.16 of the Revised Code,
and except as provided in division (D) of this section, both of
the following apply:

(1) No action upon a medical, dental, optometric, or
chiropractic claim shall be commenced more than four years after
the occurrence of the act or omission constituting the alleged
basis of the medical, dental, optometric, or chiropractic claim.

(2) If an action upon a medical, dental, optometric, or
chiropractic claim is not commenced within four years after the
occurrence of the act or omission constituting the alleged basis
of the medical, dental, optometric, or chiropractic claim, then,
any action upon that claim is barred.

(D)(1) If a person making a medical claim, dental claim,
optometric claim, or chiropractic claim, in the exercise of
reasonable care and diligence, could not have discovered the
injury resulting from the act or omission constituting the alleged
basis of the claim within three years after the occurrence of the
act or omission, but, in the exercise of reasonable care and
diligence, discovers the injury resulting from that act or
omission before the expiration of the four-year period specified
in division (C)(1) of this section, the person may commence an
action upon the claim not later than one year after the person
discovers the injury resulting from that act or omission.

(2) If the alleged basis of a medical claim, dental claim,
optometric claim, or chiropractic claim is the occurrence of an
act or omission that involves a foreign object that is left in the
body of the person making the claim, the person may commence an
action upon the claim not later than one year after the person
discovered the foreign object or not later than one year after the
person, with reasonable care and diligence, should have discovered
the foreign object.

(3) A person who commences an action upon a medical claim, dental claim, optometric claim, or chiropractic claim under the circumstances described in division (D)(1) or (2) of this section has the affirmative burden of proving, by clear and convincing evidence, that the person, with reasonable care and diligence, could not have discovered the injury resulting from the act or omission constituting the alleged basis of the claim within the three-year period described in division (D)(1) of this section or within the one-year period described in division (D)(2) of this section, whichever is applicable.

(E) As used in this section:

(1) "Hospital" includes any person, corporation, association, board, or authority that is responsible for the operation of any hospital licensed or registered in the state, including, but not limited to, those that are owned or operated by the state, political subdivisions, any person, any corporation, or any combination of the state, political subdivisions, persons, and corporations. "Hospital" also includes any person, corporation, association, board, entity, or authority that is responsible for the operation of any clinic that employs a full-time staff of physicians practicing in more than one recognized medical specialty and rendering advice, diagnosis, care, and treatment to individuals. "Hospital" does not include any hospital operated by the government of the United States or any of its branches.

(2) "Physician" means a person who is licensed to practice medicine and surgery or osteopathic medicine and surgery by the state medical board or a person who otherwise is authorized to practice medicine and surgery or osteopathic medicine and surgery in this state.

(3) "Medical claim" means any claim that is asserted in any civil action against a physician, podiatrist, hospital, home, or residential facility, against any employee or agent of a

physician, podiatrist, hospital, home, or residential facility, or 115
against a licensed practical nurse, registered nurse, advanced 116
practice registered nurse, physical therapist, physician 117
assistant, emergency medical technician-basic, emergency medical 118
technician-intermediate, or emergency medical 119
technician-paramedic, and that arises out of the medical 120
diagnosis, care, or treatment of any person. "Medical claim" 121
includes the following: 122

(a) Derivative claims for relief that arise from the medical 123
diagnosis, care, or treatment of a person; 124

(b) Claims that arise out of the medical diagnosis, care, or 125
treatment of any person and to which either of the following 126
applies: 127

(i) The claim results from acts or omissions in providing 128
medical care. 129

(ii) The claim results from the hiring, training, 130
supervision, retention, or termination of caregivers providing 131
medical diagnosis, care, or treatment. 132

(c) Claims that arise out of the medical diagnosis, care, or 133
treatment of any person and that are brought under section 3721.17 134
of the Revised Code. 135

(4) "Podiatrist" means any person who is licensed to practice 136
podiatric medicine and surgery by the state medical board. 137

(5) "Dentist" means any person who is licensed to practice 138
dentistry by the state dental board. 139

(6) "Dental claim" means any claim that is asserted in any 140
civil action against a dentist, or against any employee or agent 141
of a dentist, and that arises out of a dental operation or the 142
dental diagnosis, care, or treatment of any person. "Dental claim" 143
includes derivative claims for relief that arise from a dental 144

operation or the dental diagnosis, care, or treatment of a person. 145

(7) "Derivative claims for relief" include, but are not 146
limited to, claims of a parent, guardian, custodian, or spouse of 147
an individual who was the subject of any medical diagnosis, care, 148
or treatment, dental diagnosis, care, or treatment, dental 149
operation, optometric diagnosis, care, or treatment, or 150
chiropractic diagnosis, care, or treatment, that arise from that 151
diagnosis, care, treatment, or operation, and that seek the 152
recovery of damages for any of the following: 153

(a) Loss of society, consortium, companionship, care, 154
assistance, attention, protection, advice, guidance, counsel, 155
instruction, training, or education, or any other intangible loss 156
that was sustained by the parent, guardian, custodian, or spouse; 157

(b) Expenditures of the parent, guardian, custodian, or 158
spouse for medical, dental, optometric, or chiropractic care or 159
treatment, for rehabilitation services, or for other care, 160
treatment, services, products, or accommodations provided to the 161
individual who was the subject of the medical diagnosis, care, or 162
treatment, the dental diagnosis, care, or treatment, the dental 163
operation, the optometric diagnosis, care, or treatment, or the 164
chiropractic diagnosis, care, or treatment. 165

(8) "Registered nurse" means any person who is licensed to 166
practice nursing as a registered nurse by the board of nursing. 167

(9) "Chiropractic claim" means any claim that is asserted in 168
any civil action against a chiropractor, or against any employee 169
or agent of a chiropractor, and that arises out of the 170
chiropractic diagnosis, care, or treatment of any person. 171
"Chiropractic claim" includes derivative claims for relief that 172
arise from the chiropractic diagnosis, care, or treatment of a 173
person. 174

(10) "Chiropractor" means any person who is licensed to 175

practice chiropractic by the state chiropractic board.	176
(11) "Optometric claim" means any claim that is asserted in	177
any civil action against an optometrist, or against any employee	178
or agent of an optometrist, and that arises out of the optometric	179
diagnosis, care, or treatment of any person. "Optometric claim"	180
includes derivative claims for relief that arise from the	181
optometric diagnosis, care, or treatment of a person.	182
(12) "Optometrist" means any person licensed to practice	183
optometry by the state board of optometry.	184
(13) "Physical therapist" means any person who is licensed to	185
practice physical therapy under Chapter 4755. of the Revised Code.	186
(14) "Home" has the same meaning as in section 3721.10 of the	187
Revised Code.	188
(15) "Residential facility" means a facility licensed under	189
section 5123.19 of the Revised Code.	190
(16) "Advanced practice <u>registered</u> nurse" means any certified	191
nurse practitioner, clinical nurse specialist, certified	192
registered nurse anesthetist, or certified nurse-midwife who holds	193
a certificate of authority issued by the board of nursing under	194
Chapter 4723. of the Revised Code.	195
(17) "Licensed practical nurse" means any person who is	196
licensed to practice nursing as a licensed practical nurse by the	197
board of nursing pursuant to Chapter 4723. of the Revised Code.	198
(18) "Physician assistant" means any person who holds a valid	199
certificate to practice issued pursuant to Chapter 4730. of the	200
Revised Code.	201
(19) "Emergency medical technician-basic," "emergency medical	202
technician-intermediate," and "emergency medical	203
technician-paramedic" means any person who is certified under	204
Chapter 4765. of the Revised Code as an emergency medical	205

technician-basic, emergency medical technician-intermediate, or 206
emergency medical technician-paramedic, whichever is applicable. 207

Sec. 2711.22. (A) Except as otherwise provided in this 208
section, a written contract between a patient and a hospital or 209
healthcare provider to settle by binding arbitration any dispute 210
or controversy arising out of the diagnosis, treatment, or care of 211
the patient rendered by a hospital or healthcare provider, that is 212
entered into prior to the diagnosis, treatment, or care of the 213
patient is valid, irrevocable, and enforceable once the contract 214
is signed by all parties. The contract remains valid, irrevocable, 215
and enforceable until or unless the patient or the patient's legal 216
representative rescinds the contract by written notice within 217
thirty days of the signing of the contract. A guardian or other 218
legal representative of the patient may give written notice of the 219
rescission of the contract if the patient is incapacitated or a 220
minor. 221

(B) As used in this section and in sections 2711.23 and 222
2711.24 of the Revised Code: 223

(1) "Healthcare provider" means a physician, podiatrist, 224
dentist, licensed practical nurse, registered nurse, advanced 225
practice registered nurse, chiropractor, optometrist, physician 226
assistant, emergency medical technician-basic, emergency medical 227
technician-intermediate, emergency medical technician-paramedic, 228
or physical therapist. 229

(2) "Hospital," "physician," "podiatrist," "dentist," 230
"licensed practical nurse," "registered nurse," "advanced practice 231
registered nurse," "chiropractor," "optometrist," "physician 232
assistant," "emergency medical technician-basic," "emergency 233
medical technician-intermediate," "emergency medical 234
technician-paramedic," "physical therapist," "medical claim," 235
"dental claim," "optometric claim," and "chiropractic claim" have 236

the same meanings as in section 2305.113 of the Revised Code.	237
Sec. 3963.01. As used in this chapter:	238
(A) "Affiliate" means any person or entity that has ownership or control of a contracting entity, is owned or controlled by a contracting entity, or is under common ownership or control with a contracting entity.	239 240 241 242
(B) "Basic health care services" has the same meaning as in division (A) of section 1751.01 of the Revised Code, except that it does not include any services listed in that division that are provided by a pharmacist or nursing home.	243 244 245 246
(C) "Contracting entity" means any person that has a primary business purpose of contracting with participating providers for the delivery of health care services.	247 248 249
(D) "Credentialing" means the process of assessing and validating the qualifications of a provider applying to be approved by a contracting entity to provide basic health care services, specialty health care services, or supplemental health care services to enrollees.	250 251 252 253 254
(E) "Edit" means adjusting one or more procedure codes billed by a participating provider on a claim for payment or a practice that results in any of the following:	255 256 257
(1) Payment for some, but not all of the procedure codes originally billed by a participating provider;	258 259
(2) Payment for a different procedure code than the procedure code originally billed by a participating provider;	260 261
(3) A reduced payment as a result of services provided to an enrollee that are claimed under more than one procedure code on the same service date.	262 263 264
(F) "Electronic claims transport" means to accept and	265

digitize claims or to accept claims already digitized, to place 266
those claims into a format that complies with the electronic 267
transaction standards issued by the United States department of 268
health and human services pursuant to the "Health Insurance 269
Portability and Accountability Act of 1996," 110 Stat. 1955, 42 270
U.S.C. 1320d, et seq., as those electronic standards are 271
applicable to the parties and as those electronic standards are 272
updated from time to time, and to electronically transmit those 273
claims to the appropriate contracting entity, payer, or 274
third-party administrator. 275

(G) "Enrollee" means any person eligible for health care 276
benefits under a health benefit plan, including an eligible 277
recipient of medicaid under Chapter 5111. of the Revised Code, and 278
includes all of the following terms: 279

(1) "Enrollee" and "subscriber" as defined by section 1751.01 280
of the Revised Code; 281

(2) "Member" as defined by section 1739.01 of the Revised 282
Code; 283

(3) "Insured" and "plan member" pursuant to Chapter 3923. of 284
the Revised Code; 285

(4) "Beneficiary" as defined by section 3901.38 of the 286
Revised Code. 287

(H) "Health care contract" means a contract entered into, 288
materially amended, or renewed between a contracting entity and a 289
participating provider for the delivery of basic health care 290
services, specialty health care services, or supplemental health 291
care services to enrollees. 292

(I) "Health care services" means basic health care services, 293
specialty health care services, and supplemental health care 294
services. 295

(J) "Material amendment" means an amendment to a health care contract that decreases the participating provider's payment or compensation, changes the administrative procedures in a way that may reasonably be expected to significantly increase the provider's administrative expenses, or adds a new product. A material amendment does not include any of the following:

(1) A decrease in payment or compensation resulting solely from a change in a published fee schedule upon which the payment or compensation is based and the date of applicability is clearly identified in the contract;

(2) A decrease in payment or compensation that was anticipated under the terms of the contract, if the amount and date of applicability of the decrease is clearly identified in the contract;

(3) An administrative change that may significantly increase the provider's administrative expense, the specific applicability of which is clearly identified in the contract;

(4) Changes to an existing prior authorization, precertification, notification, or referral program that do not substantially increase the provider's administrative expense;

(5) Changes to an edit program or to specific edits if the participating provider is provided notice of the changes pursuant to division (A)(1) of section 3963.04 of the Revised Code and the notice includes information sufficient for the provider to determine the effect of the change;

(6) Changes to a health care contract described in division (B) of section 3963.04 of the Revised Code.

(K) "Participating provider" means a provider that has a health care contract with a contracting entity and is entitled to reimbursement for health care services rendered to an enrollee under the health care contract.

(L) "Payer" means any person that assumes the financial risk 327
for the payment of claims under a health care contract or the 328
reimbursement for health care services provided to enrollees by 329
participating providers pursuant to a health care contract. 330

(M) "Primary enrollee" means a person who is responsible for 331
making payments for participation in a health care plan or an 332
enrollee whose employment or other status is the basis of 333
eligibility for enrollment in a health care plan. 334

(N) "Procedure codes" includes the American medical 335
association's current procedural terminology code, the American 336
dental association's current dental terminology, and the centers 337
for medicare and medicaid services health care common procedure 338
coding system. 339

(O) "Product" means one of the following types of categories 340
of coverage for which a participating provider may be obligated to 341
provide health care services pursuant to a health care contract: 342

(1) A health maintenance organization or other product 343
provided by a health insuring corporation; 344

(2) A preferred provider organization; 345

(3) Medicare; 346

(4) Medicaid or the children's buy-in program established 347
under ~~section~~ sections 5101.5211 to 5101.5216 of the Revised Code; 348

(5) Workers' compensation. 349

(P) "Provider" means a physician, podiatrist, dentist, 350
chiropractor, optometrist, psychologist, physician assistant, 351
advanced practice registered nurse, occupational therapist, 352
massage therapist, physical therapist, professional counselor, 353
professional clinical counselor, hearing aid dealer, orthotist, 354
prosthetist, home health agency, hospice care program, or 355
hospital, or a provider organization or physician-hospital 356

organization that is acting exclusively as an administrator on 357
behalf of a provider to facilitate the provider's participation in 358
health care contracts. "Provider" does not mean a pharmacist, 359
pharmacy, nursing home, or a provider organization or 360
physician-hospital organization that leases the provider 361
organization's or physician-hospital organization's network to a 362
third party or contracts directly with employers or health and 363
welfare funds. 364

(Q) "Specialty health care services" has the same meaning as 365
in section 1751.01 of the Revised Code, except that it does not 366
include any services listed in division (B) of section 1751.01 of 367
the Revised Code that are provided by a pharmacist or a nursing 368
home. 369

(R) "Supplemental health care services" has the same meaning 370
as in division (B) of section 1751.01 of the Revised Code, except 371
that it does not include any services listed in that division that 372
are provided by a pharmacist or nursing home. 373

Sec. 4503.44. (A) As used in this section and in section 374
4511.69 of the Revised Code: 375

(1) "Person with a disability that limits or impairs the 376
ability to walk" means any person who, as determined by a health 377
care provider, meets any of the following criteria: 378

(a) Cannot walk two hundred feet without stopping to rest; 379

(b) Cannot walk without the use of, or assistance from, a 380
brace, cane, crutch, another person, prosthetic device, 381
wheelchair, or other assistive device; 382

(c) Is restricted by a lung disease to such an extent that 383
the person's forced (respiratory) expiratory volume for one 384
second, when measured by spirometry, is less than one liter, or 385
the arterial oxygen tension is less than sixty millimeters of 386

mercury on room air at rest;	387
(d) Uses portable oxygen;	388
(e) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American heart association;	389 390 391 392
(f) Is severely limited in the ability to walk due to an arthritic, neurological, or orthopedic condition;	393 394
(g) Is blind.	395
(2) "Organization" means any private organization or corporation, or any governmental board, agency, department, division, or office, that, as part of its business or program, transports persons with disabilities that limit or impair the ability to walk on a regular basis in a motor vehicle that has not been altered for the purpose of providing it with special equipment for use by handicapped persons. This definition does not apply to division (J) of this section.	396 397 398 399 400 401 402 403
(3) "Health care provider" means a physician, physician assistant, advanced practice <u>registered</u> nurse, or chiropractor as defined in this section.	404 405 406
(4) "Physician" means a person licensed to practice medicine or surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code.	407 408 409
(5) "Chiropractor" means a person licensed to practice chiropractic under Chapter 4734. of the Revised Code.	410 411
(6) "Advanced practice <u>registered</u> nurse" means any a certified nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, or certified nurse-midwife who holds a certificate of authority issued by the board of nursing under Chapter 4723. of the Revised Code.	412 413 414 415 416

(7) "Physician assistant" means a person who holds a certificate to practice as a physician assistant issued under Chapter 4730. of the Revised Code.

(B) Any organization or person with a disability that limits or impairs the ability to walk may apply to the registrar of motor vehicles for a removable windshield placard or, if the person owns or leases a motor vehicle, the person may apply for the registration of any motor vehicle the person owns or leases. In addition to one or more sets of license plates or one placard, a person with a disability that limits or impairs the ability to walk is entitled to one additional placard, but only if the person applies separately for the additional placard, states the reasons why the additional placard is needed, and the registrar, in the registrar's discretion, determines that good and justifiable cause exists to approve the request for the additional placard. When a motor vehicle has been altered for the purpose of providing it with special equipment for a person with a disability that limits or impairs the ability to walk, but is owned or leased by someone other than such a person, the owner or lessee may apply to the registrar or a deputy registrar for registration under this section. The application for registration of a motor vehicle owned or leased by a person with a disability that limits or impairs the ability to walk shall be accompanied by a signed statement from the applicant's health care provider certifying that the applicant meets at least one of the criteria contained in division (A)(1) of this section and that the disability is expected to continue for more than six consecutive months. The application for a removable windshield placard made by a person with a disability that limits or impairs the ability to walk shall be accompanied by a prescription from the applicant's health care provider prescribing such a placard for the applicant, provided that the applicant meets at least one of the criteria contained in division (A)(1) of this section. The health care provider shall state on the

prescription the length of time the health care provider expects 450
the applicant to have the disability that limits or impairs the 451
applicant's ability to walk. The application for a removable 452
windshield placard made by an organization shall be accompanied by 453
such documentary evidence of regular transport of persons with 454
disabilities that limit or impair the ability to walk by the 455
organization as the registrar may require by rule and shall be 456
completed in accordance with procedures that the registrar may 457
require by rule. The application for registration of a motor 458
vehicle that has been altered for the purpose of providing it with 459
special equipment for a person with a disability that limits or 460
impairs the ability to walk but is owned by someone other than 461
such a person shall be accompanied by such documentary evidence of 462
vehicle alterations as the registrar may require by rule. 463

(C) When an organization, a person with a disability that 464
limits or impairs the ability to walk, or a person who does not 465
have a disability that limits or impairs the ability to walk but 466
owns a motor vehicle that has been altered for the purpose of 467
providing it with special equipment for a person with a disability 468
that limits or impairs the ability to walk first submits an 469
application for registration of a motor vehicle under this section 470
and every fifth year thereafter, the organization or person shall 471
submit a signed statement from the applicant's health care 472
provider, a completed application, and any required documentary 473
evidence of vehicle alterations as provided in division (B) of 474
this section, and also a power of attorney from the owner of the 475
motor vehicle if the applicant leases the vehicle. Upon submission 476
of these items, the registrar or deputy registrar shall issue to 477
the applicant appropriate vehicle registration and a set of 478
license plates and validation stickers, or validation stickers 479
alone when required by section 4503.191 of the Revised Code. In 480
addition to the letters and numbers ordinarily inscribed thereon, 481
the license plates shall be imprinted with the international 482

symbol of access. The license plates and validation stickers shall 483
be issued upon payment of the regular license fee as prescribed 484
under section 4503.04 of the Revised Code and any motor vehicle 485
tax levied under Chapter 4504. of the Revised Code, and the 486
payment of a service fee equal to the amount specified in division 487
(D) or (G) of section 4503.10 of the Revised Code. 488

(D)(1) Upon receipt of a completed and signed application for 489
a removable windshield placard, a prescription as described in 490
division (B) of this section, documentary evidence of regular 491
transport of persons with disabilities that limit or impair the 492
ability to walk, if required, and payment of a service fee equal 493
to the amount specified in division (D) or (G) of section 4503.10 494
of the Revised Code, the registrar or deputy registrar shall issue 495
to the applicant a removable windshield placard, which shall bear 496
the date of expiration on both sides of the placard and shall be 497
valid until expired, revoked, or surrendered. Every removable 498
windshield placard expires as described in division (D)(2) of this 499
section, but in no case shall a removable windshield placard be 500
valid for a period of less than sixty days. Removable windshield 501
placards shall be renewable upon application as provided in 502
division (B) of this section, and a service fee equal to the 503
amount specified in division (D) or (G) of section 4503.10 of the 504
Revised Code shall be charged for the renewal of a removable 505
windshield placard. The registrar shall provide the application 506
form and shall determine the information to be included thereon. 507
The registrar also shall determine the form and size of the 508
removable windshield placard, the material of which it is to be 509
made, and any other information to be included thereon, and shall 510
adopt rules relating to the issuance, expiration, revocation, 511
surrender, and proper display of such placards. Any placard issued 512
after October 14, 1999, shall be manufactured in a manner that 513
allows the expiration date of the placard to be indicated on it 514
through the punching, drilling, boring, or creation by any other 515

means of holes in the placard. 516

(2) At the time a removable windshield placard is issued to a 517
person with a disability that limits or impairs the ability to 518
walk, the registrar or deputy registrar shall enter into the 519
records of the bureau of motor vehicles the last date on which the 520
person will have that disability, as indicated on the accompanying 521
prescription. Not less than thirty days prior to that date and all 522
removable windshield placard renewal dates, the bureau shall send 523
a renewal notice to that person at the person's last known address 524
as shown in the records of the bureau, informing the person that 525
the person's removable windshield placard will expire on the 526
indicated date not to exceed five years from the date of issuance, 527
and that the person is required to renew the placard by submitting 528
to the registrar or a deputy registrar another prescription, as 529
described in division (B) of this section, and by complying with 530
the renewal provisions prescribed in division (D)(1) of this 531
section. If such a prescription is not received by the registrar 532
or a deputy registrar by that date, the placard issued to that 533
person expires and no longer is valid, and this fact shall be 534
recorded in the records of the bureau. 535

(3) At least once every year, on a date determined by the 536
registrar, the bureau shall examine the records of the office of 537
vital statistics, located within the department of health, that 538
pertain to deceased persons, and also the bureau's records of all 539
persons who have been issued removable windshield placards and 540
temporary removable windshield placards. If the records of the 541
office of vital statistics indicate that a person to whom a 542
removable windshield placard or temporary removable windshield 543
placard has been issued is deceased, the bureau shall cancel that 544
placard, and note the cancellation in its records. 545

The office of vital statistics shall make available to the 546
bureau all information necessary to enable the bureau to comply 547

with division (D)(3) of this section. 548

(4) Nothing in this section shall be construed to require a 549
person or organization to apply for a removable windshield placard 550
or special license plates if the parking card or special license 551
plates issued to the person or organization under prior law have 552
not expired or been surrendered or revoked. 553

(E)(1)(a) Any person with a disability that limits or impairs 554
the ability to walk may apply to the registrar or a deputy 555
registrar for a temporary removable windshield placard. The 556
application for a temporary removable windshield placard shall be 557
accompanied by a prescription from the applicant's health care 558
provider prescribing such a placard for the applicant, provided 559
that the applicant meets at least one of the criteria contained in 560
division (A)(1) of this section and that the disability is 561
expected to continue for six consecutive months or less. The 562
health care provider shall state on the prescription the length of 563
time the health care provider expects the applicant to have the 564
disability that limits or impairs the applicant's ability to walk, 565
which cannot exceed six months from the date of the prescription. 566
Upon receipt of an application for a temporary removable 567
windshield placard, presentation of the prescription from the 568
applicant's health care provider, and payment of a service fee 569
equal to the amount specified in division (D) or (G) of section 570
4503.10 of the Revised Code, the registrar or deputy registrar 571
shall issue to the applicant a temporary removable windshield 572
placard. 573

(b) Any active-duty member of the armed forces of the United 574
States, including the reserve components of the armed forces and 575
the national guard, who has an illness or injury that limits or 576
impairs the ability to walk may apply to the registrar or a deputy 577
registrar for a temporary removable windshield placard. With the 578
application, the person shall present evidence of the person's 579

active-duty status and the illness or injury. Evidence of the 580
illness or injury may include a current department of defense 581
convalescent leave statement, any department of defense document 582
indicating that the person currently has an ill or injured 583
casualty status or has limited duties, or a prescription from any 584
health care provider prescribing the placard for the applicant. 585
Upon receipt of the application and the necessary evidence, the 586
registrar or deputy registrar shall issue the applicant the 587
temporary removable windshield placard without the payment of any 588
service fee. 589

(2) The temporary removable windshield placard shall be of 590
the same size and form as the removable windshield placard, shall 591
be printed in white on a red-colored background, and shall bear 592
the word "temporary" in letters of such size as the registrar 593
shall prescribe. A temporary removable windshield placard also 594
shall bear the date of expiration on the front and back of the 595
placard, and shall be valid until expired, surrendered, or 596
revoked, but in no case shall such a placard be valid for a period 597
of less than sixty days. The registrar shall provide the 598
application form and shall determine the information to be 599
included on it, provided that the registrar shall not require a 600
health care provider's prescription or certification for a person 601
applying under division (E)(1)(b) of this section. The registrar 602
also shall determine the material of which the temporary removable 603
windshield placard is to be made and any other information to be 604
included on the placard and shall adopt rules relating to the 605
issuance, expiration, surrender, revocation, and proper display of 606
those placards. Any temporary removable windshield placard issued 607
after October 14, 1999, shall be manufactured in a manner that 608
allows for the expiration date of the placard to be indicated on 609
it through the punching, drilling, boring, or creation by any 610
other means of holes in the placard. 611

(F) If an applicant for a removable windshield placard is a 612
veteran of the armed forces of the United States whose disability, 613
as defined in division (A)(1) of this section, is 614
service-connected, the registrar or deputy registrar, upon receipt 615
of the application, presentation of a signed statement from the 616
applicant's health care provider certifying the applicant's 617
disability, and presentation of such documentary evidence from the 618
department of veterans affairs that the disability of the 619
applicant meets at least one of the criteria identified in 620
division (A)(1) of this section and is service-connected as the 621
registrar may require by rule, but without the payment of any 622
service fee, shall issue the applicant a removable windshield 623
placard that is valid until expired, surrendered, or revoked. 624

(G) Upon a conviction of a violation of division (I), (J), or 625
(K) of this section, the court shall report the conviction, and 626
send the placard or parking card, if available, to the registrar, 627
who thereupon shall revoke the privilege of using the placard or 628
parking card and send notice in writing to the placardholder or 629
cardholder at that holder's last known address as shown in the 630
records of the bureau, and the placardholder or cardholder shall 631
return the placard or card if not previously surrendered to the 632
court, to the registrar within ten days following mailing of the 633
notice. 634

Whenever a person to whom a removable windshield placard or 635
parking card has been issued moves to another state, the person 636
shall surrender the placard or card to the registrar; and whenever 637
an organization to which a placard or card has been issued changes 638
its place of operation to another state, the organization shall 639
surrender the placard or card to the registrar. 640

(H) Subject to division (F) of section 4511.69 of the Revised 641
Code, the operator of a motor vehicle displaying a removable 642
windshield placard, temporary removable windshield placard, 643

parking card, or the special license plates authorized by this 644
section is entitled to park the motor vehicle in any special 645
parking location reserved for persons with disabilities that limit 646
or impair the ability to walk, also known as handicapped parking 647
spaces or disability parking spaces. 648

(I) No person or organization that is not eligible under 649
division (B) or (E) of this section shall willfully and falsely 650
represent that the person or organization is so eligible. 651

No person or organization shall display license plates issued 652
under this section unless the license plates have been issued for 653
the vehicle on which they are displayed and are valid. 654

(J) No person or organization to which a removable windshield 655
placard or temporary removable windshield placard is issued shall 656
do either of the following: 657

(1) Display or permit the display of the placard on any motor 658
vehicle when having reasonable cause to believe the motor vehicle 659
is being used in connection with an activity that does not include 660
providing transportation for persons with disabilities that limit 661
or impair the ability to walk; 662

(2) Refuse to return or surrender the placard, when required. 663

(K)(1) No person or organization to which a parking card is 664
issued shall do either of the following: 665

(a) Display or permit the display of the parking card on any 666
motor vehicle when having reasonable cause to believe the motor 667
vehicle is being used in connection with an activity that does not 668
include providing transportation for a handicapped person; 669

(b) Refuse to return or surrender the parking card, when 670
required. 671

(2) As used in division (K) of this section: 672

(a) "Handicapped person" means any person who has lost the 673

use of one or both legs or one or both arms, who is blind, deaf, 674
or so severely handicapped as to be unable to move about without 675
the aid of crutches or a wheelchair, or whose mobility is 676
restricted by a permanent cardiovascular, pulmonary, or other 677
handicapping condition. 678

(b) "Organization" means any private organization or 679
corporation, or any governmental board, agency, department, 680
division, or office, that, as part of its business or program, 681
transports handicapped persons on a regular basis in a motor 682
vehicle that has not been altered for the purposes of providing it 683
with special equipment for use by handicapped persons. 684

(L) If a removable windshield placard, temporary removable 685
windshield placard, or parking card is lost, destroyed, or 686
mutilated, the placardholder or cardholder may obtain a duplicate 687
by doing both of the following: 688

(1) Furnishing suitable proof of the loss, destruction, or 689
mutilation to the registrar; 690

(2) Paying a service fee equal to the amount specified in 691
division (D) or (G) of section 4503.10 of the Revised Code. 692

Any placardholder or cardholder who loses a placard or card 693
and, after obtaining a duplicate, finds the original, immediately 694
shall surrender the original placard or card to the registrar. 695

(M) The registrar shall pay all fees received under this 696
section for the issuance of removable windshield placards or 697
temporary removable windshield placards or duplicate removable 698
windshield placards or cards into the state treasury to the credit 699
of the state bureau of motor vehicles fund created in section 700
4501.25 of the Revised Code. 701

(N) In addition to the fees collected under this section, the 702
registrar or deputy registrar shall ask each person applying for a 703
removable windshield placard or temporary removable windshield 704

placard or duplicate removable windshield placard or license plate 705
issued under this section, whether the person wishes to make a 706
two-dollar voluntary contribution to support rehabilitation 707
employment services. The registrar shall transmit the 708
contributions received under this division to the treasurer of 709
state for deposit into the rehabilitation employment fund, which 710
is hereby created in the state treasury. A deputy registrar shall 711
transmit the contributions received under this division to the 712
registrar in the time and manner prescribed by the registrar. The 713
contributions in the fund shall be used by the rehabilitation 714
services commission to purchase services related to vocational 715
evaluation, work adjustment, personal adjustment, job placement, 716
job coaching, and community-based assessment from accredited 717
community rehabilitation program facilities. 718

(O) For purposes of enforcing this section, every peace 719
officer is deemed to be an agent of the registrar. Any peace 720
officer or any authorized employee of the bureau of motor vehicles 721
who, in the performance of duties authorized by law, becomes aware 722
of a person whose placard or parking card has been revoked 723
pursuant to this section, may confiscate that placard or parking 724
card and return it to the registrar. The registrar shall prescribe 725
any forms used by law enforcement agencies in administering this 726
section. 727

No peace officer, law enforcement agency employing a peace 728
officer, or political subdivision or governmental agency employing 729
a peace officer, and no employee of the bureau is liable in a 730
civil action for damages or loss to persons arising out of the 731
performance of any duty required or authorized by this section. As 732
used in this division, "peace officer" has the same meaning as in 733
division (B) of section 2935.01 of the Revised Code. 734

(P) All applications for registration of motor vehicles, 735
removable windshield placards, and temporary removable windshield 736

placards issued under this section, all renewal notices for such 737
items, and all other publications issued by the bureau that relate 738
to this section shall set forth the criminal penalties that may be 739
imposed upon a person who violates any provision relating to 740
special license plates issued under this section, the parking of 741
vehicles displaying such license plates, and the issuance, 742
procurement, use, and display of removable windshield placards and 743
temporary removable windshield placards issued under this section. 744

(Q) Whoever violates this section is guilty of a misdemeanor 745
of the fourth degree. 746

Sec. 4723.01. As used in this chapter: 747

(A) "Registered nurse" means an individual who holds a 748
current, valid license issued under this chapter that authorizes 749
the practice of nursing as a registered nurse. 750

(B) "Practice of nursing as a registered nurse" means 751
providing to individuals and groups nursing care requiring 752
specialized knowledge, judgment, and skill derived from the 753
principles of biological, physical, behavioral, social, and 754
nursing sciences. Such nursing care includes: 755

(1) Identifying patterns of human responses to actual or 756
potential health problems amenable to a nursing regimen; 757

(2) Executing a nursing regimen through the selection, 758
performance, management, and evaluation of nursing actions; 759

(3) Assessing health status for the purpose of providing 760
nursing care; 761

(4) Providing health counseling and health teaching; 762

(5) Administering medications, treatments, and executing 763
regimens authorized by an individual who is authorized to practice 764
in this state and is acting within the course of the individual's 765
professional practice; 766

(6) Teaching, administering, supervising, delegating, and 767
evaluating nursing practice. 768

(C) "Nursing regimen" may include preventative, restorative, 769
and health-promotion activities. 770

(D) "Assessing health status" means the collection of data 771
through nursing assessment techniques, which may include 772
interviews, observation, and physical evaluations for the purpose 773
of providing nursing care. 774

(E) "Licensed practical nurse" means an individual who holds 775
a current, valid license issued under this chapter that authorizes 776
the practice of nursing as a licensed practical nurse. 777

(F) "The practice of nursing as a licensed practical nurse" 778
means providing to individuals and groups nursing care requiring 779
the application of basic knowledge of the biological, physical, 780
behavioral, social, and nursing sciences at the direction of a 781
licensed physician, dentist, podiatrist, optometrist, 782
chiropractor, or registered nurse. Such nursing care includes: 783

(1) Observation, patient teaching, and care in a diversity of 784
health care settings; 785

(2) Contributions to the planning, implementation, and 786
evaluation of nursing; 787

(3) Administration of medications and treatments authorized 788
by an individual who is authorized to practice in this state and 789
is acting within the course of the individual's professional 790
practice, ~~except that administration of intravenous therapy shall~~ 791
~~be performed only in accordance with section 4723.17 or 4723.171~~ 792
~~of the Revised Code. Medications may be administered by a on the~~ 793
~~condition that the~~ licensed practical nurse ~~upon proof of~~ 794
~~completion of a course in medication administration approved by~~ 795
~~the board of nursing. is authorized under section 4723.18 of the~~ 796
Revised Code to administer medications; 797

(4) Administration to an adult of intravenous therapy	798
authorized by an individual who is authorized to practice in this	799
state and is acting within the course of the individual's	800
professional practice, on the condition that the licensed	801
practical nurse is authorized under section 4723.17 <u>4723.18</u> or	802
4723.171 <u>4723.181</u> of the Revised Code to perform intravenous	803
therapy and performs intravenous therapy only in accordance with	804
those sections;	805
(5) Delegation of nursing tasks as directed by a registered	806
nurse;	807
(6) Teaching nursing tasks to licensed practical nurses and	808
individuals to whom the licensed practical nurse is authorized to	809
delegate nursing tasks as directed by a registered nurse.	810
(G) "Certified registered nurse anesthetist" means a	811
registered nurse who holds a valid certificate of authority issued	812
under this chapter that authorizes the practice of nursing as a	813
certified registered nurse anesthetist in accordance with section	814
4723.43 of the Revised Code and rules adopted by the board of	815
nursing.	816
(H) "Clinical nurse specialist" means a registered nurse who	817
holds a valid certificate of authority issued under this chapter	818
that authorizes the practice of nursing as a clinical nurse	819
specialist in accordance with section 4723.43 of the Revised Code	820
and rules adopted by the board of nursing.	821
(I) "Certified nurse-midwife" means a registered nurse who	822
holds a valid certificate of authority issued under this chapter	823
that authorizes the practice of nursing as a certified	824
nurse-midwife in accordance with section 4723.43 of the Revised	825
Code and rules adopted by the board of nursing.	826
(J) "Certified nurse practitioner" means a registered nurse	827
who holds a valid certificate of authority issued under this	828

chapter that authorizes the practice of nursing as a certified 829
nurse practitioner in accordance with section 4723.43 of the 830
Revised Code and rules adopted by the board of nursing. 831

(K) "Physician," except as used in divisions (C) and (D) of 832
section 4723.482 of the Revised Code, means an individual 833
authorized under Chapter 4731. of the Revised Code to practice 834
medicine and surgery or osteopathic medicine and surgery, ~~except~~ 835
~~as used in divisions (C) and (D) of section 4723.482 of the~~ 836
~~Revised Code.~~ 837

(L) "Collaboration" or "collaborating" means the following: 838

(1) In the case of a clinical nurse specialist, except as 839
provided in division (L)(3) of this section, or a certified nurse 840
practitioner, that one or more podiatrists acting within the scope 841
of practice of podiatry in accordance with section 4731.51 of the 842
Revised Code and with whom the nurse has entered into a standard 843
care arrangement or one or more physicians with whom the nurse has 844
entered into a standard care arrangement are continuously 845
available to communicate with the clinical nurse specialist or 846
certified nurse practitioner either in person or by radio, 847
telephone, or other form of telecommunication; 848

(2) In the case of a certified nurse-midwife, that one or 849
more physicians with whom the certified nurse-midwife has entered 850
into a standard care arrangement are continuously available to 851
communicate with the certified nurse-midwife either in person or 852
by radio, telephone, or other form of telecommunication; 853

(3) In the case of a clinical nurse specialist who practices 854
the nursing specialty of mental health or psychiatric mental 855
health without being authorized to prescribe drugs and therapeutic 856
devices, that one or more physicians are continuously available to 857
communicate with the nurse either in person or by radio, 858
telephone, or other form of telecommunication. 859

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

(N) "Standard care arrangement" means a written, formal guide for planning and evaluating a patient's health care that is developed by one or more collaborating physicians or podiatrists and a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner and meets the requirements of section 4723.431 of the Revised Code.

(O) "Advanced practice registered nurse" means a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner.

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

(Q) "Dialysis technician" means an individual who holds a current, valid certificate ~~or temporary certificate issued under this chapter that authorizes the individual~~ to practice as a dialysis technician ~~in accordance with~~ issued under section ~~4723.72~~ 4723.75 of the Revised Code.

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

(S) "Certified community health worker" means an individual 891
who holds a current, valid certificate as a community health 892
worker issued ~~by the board of nursing~~ under section 4723.85 of the 893
Revised Code. 894

(T) "Medication aide" means an individual who holds a 895
current, valid certificate issued under this chapter that 896
authorizes the individual to administer medication in accordance 897
with section 4723.67 of the Revised Code. 898

Sec. 4723.03. (A) No person shall engage in the practice of 899
nursing as a registered nurse, represent the person as being a 900
registered nurse, or use the title "registered nurse," the 901
initials "R.N.," or any other title implying that the person is a 902
registered nurse, for a fee, salary, or other consideration, or as 903
a volunteer, without holding a current, valid license as a 904
registered nurse under this chapter. 905

(B) No person shall engage in the practice of nursing as a 906
licensed practical nurse, represent the person as being a licensed 907
practical nurse, or use the title "licensed practical nurse," the 908
initials "L.P.N.," or any other title implying that the person is 909
a licensed practical nurse, for a fee, salary, or other 910
consideration, or as a volunteer, without holding a current, valid 911
license as a practical nurse under this chapter. 912

(C) No person shall use the titles or initials "graduate 913
nurse," "G.N.," "professional nurse," "P.N.," "graduate practical 914
nurse," "G.P.N.," "practical nurse," "P.N.," "trained nurse," 915
"T.N.," or any other statement, title, or initials that would 916
imply or represent to the public that the person is authorized to 917
practice nursing in this state, except as follows: 918

(1) A person licensed under this chapter to practice nursing 919
as a registered nurse may use that title and the initials "R.N.;" 920

(2) A person licensed under this chapter to practice nursing 921
as a licensed practical nurse may use that title and the initials 922
"L.P.N."; 923

(3) A person authorized under this chapter to practice 924
nursing as a certified registered nurse anesthetist may use that 925
title, the initials "C.R.N.A." or "N.A.," and any other title or 926
initials approved by the board of nursing; 927

(4) A person authorized under this chapter to practice 928
nursing as a clinical nurse specialist may use that title, the 929
initials "C.N.S.," and any other title or initials approved by the 930
board; 931

(5) A person authorized under this chapter to practice 932
nursing as a certified nurse-midwife may use that title, the 933
initials "C.N.M.," and any other title or initials approved by the 934
board; 935

(6) A person authorized under this chapter to practice 936
nursing as a certified nurse practitioner may use that title, the 937
initials "C.N.P.," and any other title or initials approved by the 938
board; 939

(7) A person authorized under this chapter to practice as a 940
certified registered nurse anesthetist, clinical nurse specialist, 941
certified nurse-midwife, or certified nurse practitioner may use 942
the title "advanced practice registered nurse" or the initials 943
"A.P.R.N." 944

(D) No person shall employ a person not licensed as a 945
registered nurse under this chapter to engage in the practice of 946
nursing as a registered nurse. No person shall employ a person not 947
licensed as a practical nurse under this chapter to engage in the 948
practice of nursing as a licensed practical nurse. 949

(E) No person shall sell or fraudulently obtain or furnish 950
any nursing diploma, license, certificate, renewal, or record, or 951

aid or abet such acts. 952

Sec. 4723.06. (A) The board of nursing shall: 953

(1) Administer and enforce the provisions of this chapter, 954
including the taking of disciplinary action for violations of 955
section 4723.28 of the Revised Code, any other provisions of this 956
chapter, or rules adopted under this chapter; 957

(2) Develop criteria that an applicant must meet to be 958
eligible to sit for the examination for licensure to practice as a 959
registered nurse or as a licensed practical nurse; 960

(3) Issue and renew nursing licenses, dialysis technician 961
certificates, and community health worker certificates, as 962
provided in this chapter; 963

(4) Define the minimum ~~curricula and~~ standards for 964
educational programs of the schools of ~~professional~~ registered 965
nursing and schools of practical nursing in this state; 966

(5) Survey, inspect, and grant full approval to prelicensure 967
nursing education programs in this state that meet the standards 968
established by rules adopted under section 4723.07 of the Revised 969
Code. Prelicensure nursing education programs include, but are not 970
limited to, diploma, associate degree, baccalaureate degree, 971
~~diploma~~ master's degree, and doctor of nursing programs leading to 972
initial licensure to practice nursing as a registered nurse and 973
practical nurse programs leading to initial licensure to practice 974
nursing as a licensed practical nurse. 975

(6) Grant conditional approval, by a vote of a quorum of the 976
board, to a new prelicensure nursing education program or a 977
program that is being reestablished after having ceased to 978
operate, if the program meets and maintains the minimum standards 979
of the board established by rules adopted under section 4723.07 of 980
the Revised Code. If the board does not grant conditional 981

approval, it shall hold an adjudication under Chapter 119. of the 982
Revised Code to consider conditional approval of the program. If 983
the board grants conditional approval, at ~~its~~ the first meeting 984
~~after the first class has completed the program following~~ 985
completion of the survey process required by division (A)(5) of 986
this section, the board shall determine whether to grant full 987
approval to the program. If the board does not grant full approval 988
or if it appears that the program has failed to meet and maintain 989
standards established by rules adopted under section 4723.07 of 990
the Revised Code, the board shall hold an adjudication under 991
Chapter 119. of the Revised Code to consider the program. Based on 992
results of the adjudication, the board may continue or withdraw 993
conditional approval, or grant full approval. 994

(7) Place on provisional approval, for a period of time 995
specified by the board, a program that has ceased to meet and 996
maintain the minimum standards of the board established by rules 997
adopted under section 4723.07 of the Revised Code. ~~At~~ Prior to or 998
at the end of the period, the board shall reconsider whether the 999
program meets the standards and shall grant full approval if it 1000
does. If it does not, the board may withdraw approval, pursuant to 1001
an adjudication under Chapter 119. of the Revised Code. 1002

(8) Approve continuing ~~nursing~~ education programs and courses 1003
under standards established in rules adopted under ~~section~~ 1004
sections 4723.07, 4723.69, 4723.79, and 4723.88 of the Revised 1005
Code; 1006

(9) ~~Approve peer support programs, under rules adopted under~~ 1007
~~section 4723.07 of the Revised Code, for nurses, for dialysis~~ 1008
~~technicians, and for certified community health workers;~~ 1009

~~(10)~~ Establish a program for monitoring chemical dependency 1010
in accordance with section 4723.35 of the Revised Code; 1011

~~(11)~~(10) Establish the practice intervention and improvement 1012

program in accordance with section 4723.282 of the Revised Code; 1013

~~(12)~~(11) Issue and renew certificates of authority to 1014
practice nursing as a certified registered nurse anesthetist, 1015
clinical nurse specialist, certified nurse-midwife, or certified 1016
nurse practitioner; 1017

~~(13)~~(12) Approve under section 4723.46 of the Revised Code 1018
national certifying organizations for examination and 1019
certification of certified registered nurse anesthetists, clinical 1020
nurse specialists, certified nurse-midwives, or certified nurse 1021
practitioners; 1022

~~(14)~~(13) Issue and renew certificates to prescribe in 1023
accordance with sections 4723.48 and 4723.486 of the Revised Code; 1024

~~(15)~~(14) Grant approval to the planned classroom and clinical 1025
study required by section 4723.482 of the Revised Code to be 1026
eligible for a certificate to prescribe; 1027

~~(16)~~(15) Make an annual edition of the formulary established 1028
in rules adopted under section 4723.50 of the Revised Code 1029
available to the public either in printed form or by electronic 1030
means and, as soon as possible after any revision of the formulary 1031
becomes effective, make the revision available to the public in 1032
printed form or by electronic means; 1033

~~(17)~~(16) Provide guidance and make recommendations to the 1034
general assembly, the governor, state agencies, and the federal 1035
government with respect to the regulation of the practice of 1036
nursing and the enforcement of this chapter; 1037

~~(18)~~(17) Make an annual report to the governor, which shall 1038
be open for public inspection; 1039

~~(19)~~(18) Maintain and have open for public inspection the 1040
following records: 1041

(a) A record of all its meetings and proceedings; 1042

(b) A file record of all applicants for, and holders of 1043
nursing, licenses, registrations, and certificates granted under 1044
this chapter; dialysis technician certificates granted under this 1045
chapter; and community health worker certificates granted issued 1046
by the board under this chapter. The file shall be maintained in 1047
the form prescribed by rule of the board or in accordance with 1048
rules adopted under this chapter. The record shall be maintained 1049
in a format determined by the board. 1050

(c) A list of ~~prelicensure nursing~~ education and training 1051
programs approved by the board; 1052

~~(d) A list of approved peer support programs for nurses,~~ 1053
~~dialysis technicians, and certified community health workers.~~ 1054

(19) Deny approval to a person who submits or causes to be 1055
submitted false, misleading, or deceptive statements, information, 1056
or documentation to the board in the process of applying for 1057
approval of a new education or training program. If the board 1058
proposes to deny approval of a new education or training program, 1059
it shall do so pursuant to an adjudication conducted under Chapter 1060
119. of the Revised Code. 1061

(B) The board may fulfill the requirement of division (A)(8) 1062
of this section by authorizing persons who meet the standards 1063
established in rules adopted under section 4723.07 of the Revised 1064
Code to approve continuing nursing education programs and courses. 1065
Persons so authorized shall approve continuing nursing education 1066
programs and courses in accordance with standards established in 1067
rules adopted under section 4723.07 of the Revised Code. 1068

Persons seeking authorization to approve continuing nursing 1069
education programs and courses shall apply to the board and pay 1070
the appropriate fee established under section 4723.08 of the 1071
Revised Code. Authorizations to approve continuing nursing 1072
education programs and courses shall expire, and may be renewed 1073

according to the schedule established in rules adopted under 1074
section 4723.07 of the Revised Code. 1075

In addition to approving continuing nursing education 1076
programs under division (A)(8) of this section, the board may 1077
sponsor continuing education activities that are directly related 1078
to the statutes and rules pertaining to the practice of nursing in 1079
this state. 1080

Sec. 4723.07. In accordance with Chapter 119. of the Revised 1081
Code, the board of nursing shall adopt and may amend and rescind 1082
rules that establish all of the following: 1083

(A) Provisions for the board's government and control of its 1084
actions and business affairs; 1085

(B) Minimum ~~curricula~~ and standards for nursing education 1086
programs that prepare graduates to be licensed under this chapter 1087
and procedures for granting, renewing, and withdrawing approval of 1088
those programs; 1089

(C) Criteria that applicants for licensure must meet to be 1090
eligible to take examinations for licensure; 1091

(D) Standards and procedures for renewal of the licenses and 1092
certificates issued by the board; 1093

(E) Standards for approval of continuing nursing education 1094
programs and courses for registered nurses, licensed practical 1095
nurses, certified registered nurse anesthetists, clinical nurse 1096
specialists, certified nurse-midwives, and certified nurse 1097
practitioners. The standards may provide for approval of 1098
continuing nursing education programs and courses that have been 1099
approved by other state boards of nursing or by national 1100
accreditation systems for nursing, including, but not limited to, 1101
the American nurses' credentialing center and the national 1102
association for practical nurse education and service. 1103

(F) Standards that persons must meet to be authorized by the board to approve continuing nursing education programs and courses and a schedule by which that authorization expires and may be renewed;

(G) Requirements, including continuing education requirements, for ~~restoring~~ reactivating inactive nursing licenses, ~~dialysis technician certificates, and community health worker or~~ certificates, and for ~~restoring~~ nursing reinstating licenses, ~~dialysis technician certificates, and community health worker or~~ certificates that have lapsed ~~through failure to renew~~;

(H) Conditions that may be imposed for reinstatement of a nursing license, ~~dialysis technician certificate, or community health worker or~~ certificate following action taken under section 3123.47, 4723.28, 4723.281, 4723.652, or 4723.86 of the Revised Code resulting in a license or certificate suspension;

~~(I) Standards for approval of peer support programs for persons who hold a nursing license, dialysis technician certificate, or community health worker certificate;~~

~~(J)~~ Requirements for board approval of courses in medication administration by licensed practical nurses;

~~(K)~~(J) Criteria for evaluating the qualifications of an applicant for a license to practice nursing as a registered nurse ~~or, a license to practice nursing as a licensed practical nurse, or a certificate of authority issued under division (E)(B) of section 4723.41 of the Revised Code, a dialysis technician certificate, or a community health worker certificate~~ for the purpose of issuing the license or certificate by the board's endorsement of the applicant's authority to practice issued by the licensing agency of another state;

~~(L)~~(K) Universal ~~blood and body fluid~~ standard precautions that shall be used by each ~~person holding a nursing license~~

~~licensee or dialysis technician certificate issued under this~~ 1135
~~chapter who performs exposure prone invasive procedures holder.~~ 1136
The rules shall define and establish requirements for universal 1137
~~blood and body fluid~~ standard precautions that include the 1138
following: 1139

- (1) Appropriate use of hand washing; 1140
- (2) Disinfection and sterilization of equipment; 1141
- (3) Handling and disposal of needles and other sharp 1142
instruments; 1143
- (4) Wearing and disposal of gloves and other protective 1144
garments and devices. 1145

~~(M)~~(L) Standards and procedures for approving certificates of 1146
authority to practice nursing as a certified registered nurse 1147
anesthetist, clinical nurse specialist, certified nurse-midwife, 1148
or certified nurse practitioner, and for renewal of those 1149
certificates; 1150

~~(N)~~(M) Quality assurance standards for certified registered 1151
nurse anesthetists, clinical nurse specialists, certified 1152
nurse-midwives, or certified nurse practitioners; 1153

~~(O)~~(N) Additional criteria for the standard care arrangement 1154
required by section 4723.431 of the Revised Code entered into by a 1155
clinical nurse specialist, certified nurse-midwife, or certified 1156
nurse practitioner and the nurse's collaborating physician or 1157
podiatrist; 1158

~~(P)~~(O) Continuing education standards for clinical nurse 1159
specialists who ~~are exempt~~ were issued a certificate of authority 1160
to practice as a clinical nurse specialist under division (C) of 1161
section 4723.41 of the Revised Code ~~from the requirement of having~~ 1162
~~passed a certification examination~~ as that division existed at any 1163
time before the effective date of this amendment; 1164

~~(Q)~~(P) For purposes of division (B)(31) of section 4723.28 of 1165
the Revised Code, the actions, omissions, or other circumstances 1166
that constitute failure to establish and maintain professional 1167
boundaries with a patient. 1168

The board may adopt other rules necessary to carry out the 1169
provisions of this chapter. The rules shall be adopted in 1170
accordance with Chapter 119. of the Revised Code. 1171

Sec. 4723.08. (A) The board of nursing may impose fees not to 1172
exceed the following limits: 1173

(1) For application for licensure by examination to practice 1174
nursing as a registered nurse or as a licensed practical nurse, 1175
seventy-five dollars; 1176

(2) For application for licensure by endorsement to practice 1177
nursing as a registered nurse or as a licensed practical nurse, 1178
seventy-five dollars; 1179

(3) For application for a certificate of authority to 1180
practice nursing as a certified registered nurse anesthetist, 1181
clinical nurse specialist, certified nurse-midwife, or certified 1182
nurse practitioner, one hundred dollars; 1183

(4) For application for a temporary dialysis technician 1184
certificate, the amount specified in rules adopted under section 1185
4723.79 of the Revised Code; 1186

(5) For application for a ~~full~~ dialysis technician 1187
certificate, the amount specified in rules adopted under section 1188
4723.79 of the Revised Code; 1189

(6) For application for a certificate to prescribe, fifty 1190
dollars; 1191

(7) For providing, pursuant to division (B) of section 1192
4723.271 of the Revised Code, written verification of a nursing 1193
license, certificate of authority, ~~or~~ certificate to prescribe, 1194

dialysis technician certificate, <u>medication aide certificate, or</u>	1195
<u>community health worker certificate</u> to another jurisdiction,	1196
fifteen dollars;	1197
(8) For providing, <u>pursuant to division (A) of section</u>	1198
<u>4723.271 of the Revised Code</u> , a replacement copy of a nursing	1199
license, certificate of authority, certificate to prescribe,	1200
dialysis technician certificate, intravenous therapy card, or	1201
frameable wall certificate suitable for framing as described in	1202
<u>that division</u> , twenty-five dollars;	1203
(9) For biennial renewal of a nursing license that expires on	1204
or after August 31, 2003, but before January 1, 2004, forty five	1205
dollars;	1206
(10) For biennial renewal of a nursing license that expires	1207
on or after January 1, 2004, sixty-five dollars;	1208
(11) For biennial renewal of a certificate of authority to	1209
practice nursing as a certified registered nurse anesthetist,	1210
clinical nurse specialist, certified nurse mid-wife, or certified	1211
nurse practitioner that expires on or before August 31, 2005, one	1212
hundred dollars;	1213
(12) <u>(10)</u> For biennial renewal of a certificate of authority	1214
to practice nursing as a certified registered nurse anesthetist,	1215
clinical nurse specialist, certified nurse-midwife, or certified	1216
nurse practitioner that expires on or after September 1, 2005,	1217
eighty-five dollars;	1218
(13) <u>(11)</u> For renewal of a certificate to prescribe, fifty	1219
dollars;	1220
(14) <u>(12)</u> For biennial renewal of a dialysis technician	1221
certificate, the amount specified in rules adopted under section	1222
4723.79 of the Revised Code;	1223
(15) <u>(13)</u> For processing a late application for renewal of a	1224

nursing license, certificate of authority, or dialysis technician certificate, fifty dollars;	1225 1226
(16) (14) For application for authorization to approve continuing nursing education programs and courses from an applicant accredited by a national accreditation system for nursing, five hundred dollars;	1227 1228 1229 1230
(17) (15) For application for authorization to approve continuing nursing education programs and courses from an applicant not accredited by a national accreditation system for nursing, one thousand dollars;	1231 1232 1233 1234
(18) (16) For each year for which authorization to approve continuing nursing education programs and courses is renewed, one hundred fifty dollars;	1235 1236 1237
(19) (17) For application for approval to operate a dialysis training program, the amount specified in rules adopted under section 4723.79 of the Revised Code;	1238 1239 1240
(20) (18) For reinstatement of a lapsed nursing license, certificate of authority , or dialysis technician certificate <u>issued under this chapter</u> , one hundred dollars <u>except as provided in section 5903.10 of the Revised Code</u> ;	1241 1242 1243 1244
(21) (19) For written verification of a nursing license, certificate of authority , or dialysis technician certificate, when the verification is performed for purposes other than providing verification to another jurisdiction, five dollars;	1245 1246 1247 1248
(22) (20) For processing a check returned to the board by a financial institution as noncollectible , twenty-five dollars;	1249 1250
(23) For issuance of an intravenous therapy card for which a fee may be charged under section 4723.17 of the Revised Code, twenty five dollars ;	1251 1252 1253
(24) For out of state survey visits of nursing education	1254

~~programs operating in Ohio, two thousand dollars;~~ 1255

~~(25)(21)~~ The amounts specified in rules adopted under section 1256
4723.88 of the Revised Code pertaining to the issuance of 1257
certificates to community health workers, including fees for 1258
application for a certificate, ~~verification of a certificate to~~ 1259
~~another jurisdiction, written verification of a certificate when~~ 1260
~~the verification is performed for purposes other than verification~~ 1261
~~to another jurisdiction, providing a replacement copy of a~~ 1262
~~certificate,~~ biennial renewal of a certificate, processing a late 1263
application for renewal of a certificate, reinstatement of a 1264
lapsed certificate, application for approval of a community health 1265
worker training program for community health workers, and biennial 1266
renewal of the approval of a training program for community health 1267
workers. 1268

(B) Each quarter, for purposes of transferring funds under 1269
section 4743.05 of the Revised Code to the nurse education 1270
assistance fund created in section 3333.28 of the Revised Code, 1271
the board of nursing shall certify to the director of budget and 1272
management the number of biennial licenses renewed under this 1273
chapter during the preceding quarter and the amount equal to that 1274
number times five dollars. 1275

(C) The board may charge a participant in a board-sponsored 1276
continuing education activity an amount not exceeding fifteen 1277
dollars for each activity. 1278

(D) The board may contract for services pertaining to the 1279
process of providing written verification of a ~~nursing~~ license, 1280
~~certificate of authority, dialysis technician certificate, or~~ 1281
~~community health worker~~ certificate when the verification is 1282
performed for purposes other than providing verification to 1283
another jurisdiction. The contract may include provisions 1284
pertaining to the collection of the fee charged for providing the 1285
written verification. As part of these provisions, the board may 1286

permit the contractor to retain a portion of the fees as 1287
compensation, before any amounts are deposited into the state 1288
treasury. 1289

Sec. 4723.09. (A)(1) An application for licensure by 1290
examination to practice as a registered nurse or as a licensed 1291
practical nurse shall be submitted to the board of nursing in the 1292
form prescribed by rules of the board. The application shall 1293
include evidence that the applicant has completed ~~requirements of~~ 1294
a nursing education program approved by the board ~~or approved by~~ 1295
~~another jurisdiction's~~ under division (A) of section 4723.06 of 1296
the Revised Code or by a board that regulates nurse licensure of 1297
another jurisdiction that is a member of the national council of 1298
state boards of nursing. The application also shall include any 1299
other information required by rules of the board. The application 1300
shall be accompanied by the application fee required by section 1301
4723.08 of the Revised Code. 1302

(2) The board shall grant a license to practice nursing as a 1303
registered nurse or as a licensed practical nurse if all of the 1304
following apply: 1305

(a) For all applicants, the applicant passes the examination 1306
accepted by the board under section 4723.10 of the Revised Code. 1307

(b) For an applicant who entered a prelicensure nursing 1308
education program on or after June 1, 2003, the results of a 1309
criminal records check ~~of the applicant that is completed by the~~ 1310
~~bureau of criminal identification and investigation and includes a~~ 1311
~~check of federal bureau of investigation records and that the~~ 1312
~~bureau submits to the board indicates that the applicant has not~~ 1313
~~been convicted of, has not pleaded guilty to, and has not had a~~ 1314
~~judicial finding of guilt for violating section 2903.01, 2903.02,~~ 1315
~~2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02,~~ 1316
~~2911.01, or 2911.11 of the Revised Code or a substantially similar~~ 1317

~~law of another state, the United States, or another country~~ 1318
~~conducted in accordance with section 4723.091 of the Revised Code~~ 1319
~~demonstrate that the applicant is not ineligible for licensure as~~ 1320
~~specified in section 4723.092 of the Revised Code.~~ 1321

(c) For all applicants, the board determines that the 1322
applicant has not committed any act that is grounds for 1323
disciplinary action under section 3123.47 or 4723.28 of the 1324
Revised Code or determines that an applicant who has committed any 1325
act that is grounds for disciplinary action under either section 1326
has made restitution or has been rehabilitated, or both. 1327

(d) For all applicants, the applicant is not required to 1328
register under Chapter 2950. of the Revised Code or a 1329
substantially similar law of another state, the United States, or 1330
another country. 1331

(3) The board is not required to afford an adjudication to an 1332
individual to whom it has refused to grant a license because of 1333
that individual's failure to pass the examination. 1334

(B)(1) An application for license by endorsement to practice 1335
nursing as a registered nurse or as a licensed practical nurse 1336
shall be submitted to the board in the form prescribed by rules of 1337
the board ~~and shall be accompanied by the application fee required~~ 1338
~~by section 4723.08 of the Revised Code.~~ The application shall 1339
include evidence that the applicant holds a current, valid, and 1340
unrestricted license ~~in good standing~~ in another jurisdiction 1341
granted after passing an examination approved by the board of that 1342
jurisdiction that is equivalent to the examination requirements 1343
under this chapter for a license to practice nursing as a 1344
registered nurse or licensed practical nurse ~~and.~~ The application 1345
shall include any other information required by rules of the board 1346
~~of nursing.~~ The application shall be accompanied by the 1347
application fee required by section 4723.08 of the Revised Code. 1348

~~(2) The board shall grant a license by endorsement to practice nursing as a registered nurse or as a licensed practical nurse if the applicant is licensed or certified by another jurisdiction and the board determines, pursuant to rules established under section 4723.07 of the Revised Code, that all of the following apply:~~

~~(1)(a) For all applicants, the educational preparation of the applicant is substantially similar to the minimum curricula and standards for provides evidence satisfactory to the board that the applicant has successfully completed a nursing education programs established by program approved by the board under division (A) of section 4723.07 4723.06 of the Revised Code or by a board of another jurisdiction that is a member of the national council of state boards of nursing.~~

~~(2)(b) For all applicants, the examination, at the time it is successfully completed, is equivalent to the examination requirements in effect at that time for applicants who were licensed by examination in this state.~~

~~(3)(c) For all applicants, the board determines there is sufficient evidence that the applicant completed two contact hours of continuing education directly related to this chapter or the rules adopted under it.~~

~~(d) For all applicants, the results of a criminal records check of the applicant that is completed by the bureau of criminal identification and investigation and includes a check of federal bureau of investigation records and that the bureau submits to the board indicates that the applicant has not been convicted of, has not pleaded guilty to, and has not had a judicial finding of guilt for violating section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, or 2911.11 of the Revised Code or a substantially similar law of another state, the United States, or another country conducted in accordance with~~

section 4723.091 of the Revised Code demonstrate that the 1381
applicant is not ineligible for licensure as specified in section 1382
4723.092 of the Revised Code. 1383

~~(4)(e)~~ (e) For all applicants, the applicant has not committed 1384
any act that is grounds for disciplinary action under section 1385
3123.47, or 4723.28, ~~or 4723.281~~ of the Revised Code, or the board 1386
determines that an applicant who has committed any act that is 1387
grounds for disciplinary action under ~~any~~ either of those sections 1388
has made restitution or has been rehabilitated, or both. 1389

(f) For all applicants, the applicant is not required to 1390
register under Chapter 2950. of the Revised Code, or a 1391
substantially similar law of another state, the United States, or 1392
another country. 1393

(C) The board may grant a nonrenewable temporary permit to 1394
practice nursing as a registered nurse or as a licensed practical 1395
nurse to an applicant for license by endorsement if the board is 1396
satisfied by the evidence that the applicant holds a current, 1397
~~active~~ valid, and unrestricted license ~~in good standing~~ in another 1398
jurisdiction. Subject to earlier automatic termination as 1399
described in this paragraph, the temporary permit shall expire at 1400
the earlier of one hundred eighty days after issuance or upon the 1401
issuance of a license by endorsement. The temporary permit shall 1402
terminate automatically if the criminal records check completed by 1403
the bureau of criminal identification and investigation as 1404
described in ~~this~~ section 4723.091 of the Revised Code regarding 1405
the applicant indicates that the applicant ~~previously has been~~ 1406
~~convicted of, pleaded guilty to, or had a judicial finding of~~ 1407
~~guilt for a violation of section 2903.01, 2903.02, 2903.03,~~ 1408
~~2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, or~~ 1409
~~2911.11 of the Revised Code or a substantially similar law of~~ 1410
~~another state, the United States, or another country~~ is ineligible 1411
for licensure as specified in section 4723.092 of the Revised 1412

Code. An applicant whose temporary permit is automatically terminated is permanently prohibited from obtaining a license to practice nursing in this state as a registered nurse or as a licensed practical nurse.

~~(C) An applicant under this section shall submit a request to the bureau of criminal identification and investigation for a criminal records check of the applicant. The request shall be on the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code, accompanied by a standard impression sheet to obtain fingerprints prescribed pursuant to division (C)(2) of that section, and accompanied by the fee prescribed pursuant to division (C)(3) of that section. Upon receipt of the completed form, the completed impression sheet, and the fee, the bureau shall conduct a criminal records check of the applicant. Upon completion of the criminal records check, the bureau shall send the results of the check to the board. An applicant requesting a criminal records check under this division shall ask the superintendent of the bureau of criminal identification and investigation to also request the federal bureau of investigation to provide the superintendent with any information it has with respect to the applicant.~~

~~The results of any criminal records check conducted pursuant to a request made under this section, and any report containing those results, are not public records for purposes of section 149.43 of the Revised Code and shall not be made available to any person or for any purpose other than the following:~~

~~(1) The results may be made available to any person for use in determining under this section and division (N) of section 4723.28 of the Revised Code whether the individual who is the subject of the check should be granted a license to practice nursing as a registered nurse or as a licensed practical nurse or whether any temporary permit granted to the individual under this~~

~~section has terminated automatically.~~ 1445

~~(2) The results may be made available to the individual who~~ 1446

~~is the subject of the check or that individual's representative.~~ 1447

Sec. 4723.091. (A) An individual who applies for licensure 1448
under section 4723.09 of the Revised Code; issuance of a 1449
certificate under section 4723.651, 4723.75, 4723.76, or 4723.85 1450
of the Revised Code; reactivation of a license, under division (D) 1451
of section 4723.24 of the Revised Code, that has been inactive for 1452
at least five years; or reinstatement of a license, under division 1453
(D) of section 4723.24 of the Revised Code, that has been expired 1454
for at least five years shall submit a request to the bureau of 1455
criminal identification and investigation for a criminal records 1456
check of the applicant. The request shall be made in accordance 1457
with section 109.572 of the Revised Code. 1458

(B) An applicant requesting a criminal records check under 1459
division (A) of this section shall also ask the superintendent of 1460
the bureau of criminal identification and investigation to request 1461
that the federal bureau of investigation send to the 1462
superintendent any information the federal bureau of investigation 1463
has with respect to the applicant. 1464

(C) On receipt of all items required for the commencement of 1465
a criminal records check pursuant to division (A) of this section, 1466
the bureau of criminal identification and investigation shall 1467
conduct a criminal records check of the applicant. On the 1468
completion of the criminal records check, the bureau shall send 1469
the results to the board of nursing. 1470

(D) The results of a criminal records check conducted 1471
pursuant to a request made under division (A) of this section, and 1472
any report containing those results, are not public records for 1473
purposes of section 149.43 of the Revised Code and shall not be 1474
made available to any person or for any purpose other than the 1475

following: 1476

(1) The results may be made available to any person for use 1477
in determining under section 4723.09, 4723.651, 4723.75, 4723.76, 1478
or 4723.85 of the Revised Code whether the individual who is the 1479
subject of the check should be granted a license or certificate 1480
under this chapter or whether any temporary permit granted to the 1481
individual under either of the following has terminated 1482
automatically: 1483

(a) Section 4723.09 of the Revised Code; 1484

(b) Section 4723.76 of the Revised Code as that section 1485
existed at any time before the effective date of this amendment. 1486

(2) The results may be made available to any person for use 1487
in determining under division (D) of section 4723.24 of the 1488
Revised Code whether the individual who is the subject of the 1489
check should have the individual's license or certificate 1490
reactivated or reinstated. 1491

(3) The results may be made available to any person for use 1492
in determining under section 4723.28 of the Revised Code whether 1493
the individual who is the subject of the check should be subject 1494
to disciplinary action in accordance with that section. 1495

(4) The results may be made available to the individual who 1496
is the subject of the check or that individual's representative. 1497

Sec. 4723.092. An individual is ineligible for licensure 1498
under section 4723.09 of the Revised Code or issuance of a 1499
certificate under section 4723.651, 4723.75, 4723.76, or 4723.85 1500
of the Revised Code if a criminal records check conducted in 1501
accordance with section 4723.091 of the Revised Code indicates 1502
that the individual has been convicted of, pleaded guilty to, or 1503
had a judicial finding of guilt for either of the following: 1504

(A) Violating section 2903.01, 2903.02, 2903.03, 2903.11, 1505

2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, or 2911.11 1506
of the Revised Code; 1507

(B) Violating a law of another state, the United States, or 1508
another country that is substantially similar to a law described 1509
in division (A) of this section. 1510

Sec. 4723.17. The board of nursing shall authorize a licensed 1511
practical nurse to administer medications if the nurse supplies 1512
evidence satisfactory to the board that either of the following is 1513
the case: 1514

(A) The nurse successfully completed, within a practical 1515
nurse prelicensure education program approved by the board or by 1516
another jurisdiction's agency that regulates the practice of 1517
nursing, a course in basic pharmacology. 1518

(B) The nurse successfully completed a postlicensure course 1519
in basic pharmacology that is acceptable to the board. 1520

~~Sec. 4723.17~~ 4723.18. (A) The board of nursing ~~may~~ shall 1521
authorize a licensed practical nurse to administer to an adult 1522
intravenous therapy ~~authorized by an individual who is authorized~~ 1523
~~to practice in this state and is acting within the course of the~~ 1524
~~individual's professional practice,~~ if the licensed practical 1525
nurse ~~has a current, valid license issued under this chapter that~~ 1526
~~includes authorization to administer medications and one~~ supplies 1527
evidence satisfactory to the board that all of the following ~~is~~ 1528
are the case: 1529

(1) The nurse holds a current, valid license issued under 1530
this chapter to practice nursing as a licensed practical nurse. 1531

(2) The nurse has been authorized under section 4723.18 of 1532
the Revised Code to administer medications. 1533

(3) ~~The nurse has~~ successfully completed, within a practical 1534

~~nurse prelicensure education program a course of study in the safe performance of intravenous therapy approved by the board or by another jurisdiction's agency that regulates the practice of nursing, a course of study that prepares the nurse to safely perform the intravenous therapy procedures the board may authorize under this section. To meet this requirement, the course of study must include all of the following:~~

~~(a) Both didactic and clinical components;~~

~~(b) Curriculum requirements established in rules the board of nursing shall adopt in accordance with Chapter 119. of the Revised Code;~~

~~(c) Standards that require the nurse to perform a successful demonstration of the intravenous procedures, including all skills needed to perform them safely pursuant to section 4723.19 of the Revised Code or by an agency in another jurisdiction that regulates the practice of nursing and has requirements for intravenous therapy course approval that are substantially similar to the requirements in division (B) of section 4723.19 of the Revised Code, as determined by the board.~~

~~(2)(4) The nurse has successfully completed a minimum of forty hours of training that includes all of the following:~~

~~(a) The curriculum established by rules adopted by the board and in effect on January 1, 1999;~~

~~(b) Training in the anatomy and physiology of the cardiovascular system, signs and symptoms of local and systemic complications in the administration of fluids and antibiotic additives, and guidelines for management of these complications;~~

~~(c) Any other training or instruction the board considers appropriate;~~

~~(d) A testing component that requires the nurse to perform a~~

successful demonstration of the intravenous procedures, including 1565
all skills needed to perform them safely. 1566

(B) Except as provided in section ~~4723.171~~ 4723.181 of the 1567
Revised Code and subject to the restrictions in division (D) of 1568
this section, a licensed practical nurse may perform intravenous 1569
therapy on an adult patient only if authorized by the board 1570
pursuant to division (A) of this section and only ~~if it is~~ 1571
~~performed in accordance with this section.~~ 1572

~~A licensed practical nurse authorized by the board to perform~~ 1573
~~intravenous therapy may perform an intravenous therapy procedure~~ 1574
~~only~~ at the direction of one of the following: 1575

(1) A licensed physician, dentist, optometrist, or podiatrist 1576
who, except as provided in division (C)(2) of this section, is 1577
present and readily available at the facility where the 1578
intravenous therapy procedure is performed; 1579

(2) A registered nurse in accordance with division (C) of 1580
this section. 1581

(C)(1) Except as provided in division (C)(2) of this section 1582
and section ~~4723.171~~ 4723.181 of the Revised Code, when a licensed 1583
practical nurse authorized by the board to perform intravenous 1584
therapy performs an intravenous therapy procedure at the direction 1585
of a registered nurse, the registered nurse or another registered 1586
nurse shall be readily available at the site where the intravenous 1587
therapy is performed, and before the licensed practical nurse 1588
initiates the intravenous therapy, the registered nurse shall 1589
personally perform an on-site assessment of the ~~individual~~ adult 1590
patient who is to receive the intravenous therapy. 1591

(2) When a licensed practical nurse authorized by the board 1592
to perform intravenous therapy performs an intravenous therapy 1593
procedure in a home as defined in section 3721.10 of the Revised 1594
Code, or in an intermediate care facility for the mentally 1595

retarded as defined in section 5111.20 of the Revised Code, at the 1596
direction of a registered nurse or licensed physician, dentist, 1597
optometrist, or podiatrist, a registered nurse shall be on the 1598
premises of the home or facility or accessible by some form of 1599
telecommunication. 1600

(D) No licensed practical nurse shall perform any of the 1601
following intravenous therapy procedures: 1602

(1) Initiating or maintaining any of the following: 1603

(a) Blood or blood components; 1604

(b) Solutions for total parenteral nutrition; 1605

(c) Any cancer therapeutic medication including, but not 1606
limited to, cancer chemotherapy or an anti-neoplastic agent; 1607

(d) Solutions administered through any central venous line or 1608
arterial line or any other line that does not terminate in a 1609
peripheral vein, except that a licensed practical nurse authorized 1610
by the board to perform intravenous therapy may maintain the 1611
solutions specified in division (D)(6)(a) of this section that are 1612
being administered through a central venous line or peripherally 1613
inserted central catheter; 1614

(e) Any investigational or experimental medication. 1615

(2) Initiating intravenous therapy in any vein, except that a 1616
licensed practical nurse authorized by the board to perform 1617
intravenous therapy may initiate intravenous therapy in accordance 1618
with this section in a vein of the hand, forearm, or antecubital 1619
fossa; 1620

(3) Discontinuing a central venous, arterial, or any other 1621
line that does not terminate in a peripheral vein; 1622

(4) Initiating or discontinuing a peripherally inserted 1623
central catheter; 1624

(5) Mixing, preparing, or reconstituting any medication for 1625

intravenous therapy, except that a licensed practical nurse 1626
authorized by the board to perform intravenous therapy may prepare 1627
or reconstitute an antibiotic additive; 1628

(6) Administering medication via the intravenous route, 1629
including all of the following activities: 1630

(a) Adding medication to an intravenous solution or to an 1631
existing infusion, except that a licensed practical nurse 1632
authorized by the board to perform intravenous therapy may do 1633
~~either~~ any of the following: 1634

(i) Initiate an intravenous infusion containing one or more 1635
of the following elements: dextrose 5%+1 normal saline+1 lactated 1636
ringers+1 sodium chloride .45%+1 sodium chloride 0.2%+1 sterile 1637
water+1; 1638

(ii) Hang subsequent containers of the intravenous solutions 1639
specified in division (D)(6)(a)(i) of this section that contain 1640
vitamins or electrolytes, if a registered nurse initiated the 1641
infusion of that same intravenous solution+1 1642

~~(b) Initiating or maintaining an intravenous piggyback 1643
infusion, except that a licensed practical nurse authorized by the 1644
board to perform intravenous therapy may initiate; 1645~~

(iii) Initiate or maintain an intravenous ~~piggyback~~ infusion 1646
containing an antibiotic additive+1. 1647

~~(c)~~ (b) Injecting medication via a direct intravenous route, 1648
except that a licensed practical nurse authorized by the board to 1649
perform intravenous therapy may inject heparin or normal saline to 1650
flush an intermittent infusion device or heparin lock including, 1651
but not limited to, bolus or push. 1652

~~(7) Aspirating any intravenous line to maintain patency; 1653~~

~~(8) Changing tubing on any line including, but not limited 1654
to, an arterial line or a central venous line, except that a 1655~~

~~licensed practical nurse authorized by the board to perform~~ 1656
~~intravenous therapy may change tubing on an intravenous line that~~ 1657
~~terminates in a peripheral vein;~~ 1658

~~(9) Programming or setting any function of a patient~~ 1659
~~controlled infusion pump.~~ 1660

(E) Notwithstanding ~~division~~ divisions (A) and (D) of this 1661
section, at the direction of a physician or a registered nurse, a 1662
licensed practical nurse authorized by the board to perform 1663
intravenous therapy may perform the following activities for the 1664
purpose of performing dialysis for adult and pediatric patients: 1665

(1) The routine administration and regulation of saline 1666
solution for the purpose of maintaining an established fluid plan; 1667

(2) The administration of a heparin dose intravenously; 1668

(3) The administration of a heparin dose peripherally via a 1669
fistula needle; 1670

(4) The loading and activation of a constant infusion pump ~~or~~ 1671
~~the;~~ 1672

(5) The intermittent injection of a dose of medication 1673
~~prescribed by a licensed physician for dialysis that is~~ 1674
administered via the hemodialysis blood circuit and through the 1675
patient's venous access. 1676

(F) No person shall employ or direct a licensed practical 1677
nurse to perform an intravenous therapy procedure without first 1678
verifying that the licensed practical nurse is authorized by the 1679
board to perform intravenous therapy. 1680

~~(G) The board shall issue an intravenous therapy card to the~~ 1681
~~licensed practical nurses authorized pursuant to division (A) of~~ 1682
~~this section to perform intravenous therapy. A fee for issuing the~~ 1683
~~card shall not be charged under section 4723.08 of the Revised~~ 1684
~~Code if the licensed practical nurse receives the card by meeting~~ 1685

~~the requirements of division (A)(1) of this section. The board~~ 1686
~~shall maintain a registry of the names of licensed practical~~ 1687
~~nurses who hold intravenous therapy cards.~~ 1688

Sec. ~~4723.171~~ 4723.181. (A) A licensed practical nurse may 1689
perform on any person any of the intravenous therapy procedures 1690
specified in division (B) of this section without receiving 1691
authorization to perform intravenous therapy from the board of 1692
nursing under section ~~4723.17~~ 4723.18 of the Revised Code, if both 1693
of the following apply: 1694

(1) The licensed practical nurse acts at the direction of a 1695
registered nurse or a licensed physician, dentist, optometrist, or 1696
podiatrist and the registered nurse, physician, dentist, 1697
optometrist, or podiatrist is on the premises where the procedure 1698
is to be performed or accessible by some form of 1699
telecommunication. 1700

(2) The licensed practical nurse can demonstrate the 1701
knowledge, skills, and ability to perform the procedure safely. 1702

(B) The intravenous therapy procedures that a licensed 1703
practical nurse may perform pursuant to division (A) of this 1704
section are limited to the following: 1705

(1) Verification of the type of peripheral intravenous 1706
solution being administered; 1707

(2) Examination of a peripheral infusion site and the 1708
extremity for possible infiltration; 1709

(3) Regulation of a peripheral intravenous infusion according 1710
to the prescribed flow rate; 1711

(4) Discontinuation of a peripheral intravenous device at the 1712
appropriate time; 1713

(5) Performance of routine dressing changes at the insertion 1714
site of a peripheral venous or arterial infusion, peripherally 1715

inserted central catheter infusion, or central venous pressure 1716
subclavian infusion. 1717

Sec. 4723.19. (A) A person or government entity seeking 1718
approval to provide a course of study in the safe performance of 1719
intravenous therapy shall apply to the board of nursing in a 1720
manner specified by the board. 1721

(B) The board shall approve the applicant to provide a course 1722
of study in the safe performance of intravenous therapy if the 1723
content of the course of study to be provided includes all of the 1724
following: 1725

(1) Didactic and clinical components; 1726

(2) Curriculum requirements established in rules the board 1727
shall adopt in accordance with Chapter 119. of the Revised Code; 1728

(3) Standards that require the nurse to perform a successful 1729
demonstration of the intravenous procedures, including all skills 1730
needed to perform them safely. 1731

Sec. 4723.24. (A) ~~All~~ Except as otherwise specified in this 1732
chapter, all active licenses and certificates issued under this 1733
chapter shall be renewed biennially according to a schedule 1734
established by the board of nursing. The board shall provide an 1735
application for renewal to every holder of an active license or 1736
certificate, except when the board is aware that an individual is 1737
ineligible for license or certificate renewal for any reason, 1738
including pending criminal charges in this state or another 1739
jurisdiction, failure to comply with a disciplinary order from the 1740
board or the terms of a consent agreement entered into with the 1741
board, failure to pay fines or fees owed to the board, or failure 1742
to provide on the board's request documentation of having 1743
completed the continuing nursing education requirements specified 1744
in division (C) of this section. 1745

If the board provides a renewal application by mail, the 1746
application shall be addressed to the last known post-office 1747
address of the license or certificate holder and mailed before the 1748
date specified in the board's schedule. Failure of the license or 1749
certificate holder to receive an application for renewal from the 1750
board shall not excuse the holder from the requirements contained 1751
in this section, except as provided in section 5903.10 of the 1752
Revised Code. 1753

The license or certificate holder shall complete the renewal 1754
form and return it to the ~~treasurer of state~~ board with the 1755
renewal fee required by section 4723.08 of the Revised Code on or 1756
before the date specified by the board. The license or certificate 1757
holder shall report any conviction, plea, or judicial finding 1758
regarding a criminal offense that constitutes grounds for the 1759
board to impose sanctions under section 4723.28 of the Revised 1760
Code since the holder last submitted an application to the board. 1761

~~The treasurer shall immediately forward the renewal~~ 1762
~~application to the board.~~ On receipt of the renewal application, 1763
the board shall verify ~~that~~ whether the applicant meets the 1764
renewal requirements ~~and~~. If the applicant meets the requirements, 1765
the board shall renew the license or certificate for the following 1766
two-year period. 1767

If a renewal application that meets the renewal requirements 1768
is submitted after the date specified in the board's schedule, but 1769
before expiration of the license or certificate, the board shall 1770
grant a renewal upon payment of the late renewal fee authorized 1771
under section 4723.08 of the Revised Code. 1772

(B) Every license or certificate holder shall give written 1773
notice to the board of any change of name or address within thirty 1774
days of the change. The board shall require the holder to document 1775
a change of name in a manner acceptable to the board. 1776

(C)(1) Except in the case of a first renewal after licensure 1777
by examination, to be eligible for renewal of an active license to 1778
practice nursing as a registered nurse or licensed practical 1779
nurse, each individual who holds an active license shall, in each 1780
two-year period specified by the board, complete continuing 1781
nursing education as follows: 1782

(a) For renewal of a license that was issued for a two-year 1783
renewal period, twenty-four hours of continuing nursing education; 1784

(b) For renewal of a license that was issued for less than a 1785
two-year renewal period, the number of hours of continuing nursing 1786
education specified by the board in rules adopted in accordance 1787
with Chapter 119. of the Revised Code; 1788

(c) Of the hours of continuing nursing education completed in 1789
any renewal period, at least one hour of the education must be 1790
directly related to the statutes and rules pertaining to the 1791
practice of nursing in this state. 1792

(2) The board shall adopt rules establishing the procedure 1793
for a license holder to certify to the board completion of the 1794
required continuing nursing education. The board may conduct a 1795
random sample of license holders and require that the license 1796
holders included in the sample submit satisfactory documentation 1797
of having completed the requirements for continuing nursing 1798
education. On the board's request, a license holder included in 1799
the sample shall submit the required documentation. 1800

(3) An educational activity may be applied toward meeting the 1801
continuing nursing education requirement only if it is obtained 1802
through a program or course approved by the board or a person the 1803
board has authorized to approve continuing nursing education 1804
programs and courses. 1805

(4) The continuing education required of a certified 1806
registered nurse anesthetist, clinical nurse specialist, certified 1807

nurse-midwife, or certified nurse practitioner to ~~obtain or~~ 1808
maintain certification by a national certifying organization shall 1809
be applied toward the continuing education requirements for 1810
renewal of a license to practice nursing as a registered nurse 1811
only if it is obtained through a program or course approved by the 1812
board or a person the board has authorized to approve continuing 1813
nursing education programs and courses. 1814

(D) Except as otherwise provided in section 4723.28 of the 1815
Revised Code, a an individual who holds an active license holder 1816
to practice nursing as a registered nurse or licensed practical 1817
nurse and who does not intend to practice in Ohio may send to the 1818
board written notice to that effect on or before the renewal date, 1819
and the board shall classify the license as inactive. During the 1820
period that the license is classified as inactive, the holder may 1821
not engage in the practice of nursing in Ohio and is not required 1822
to pay the renewal fee. 1823

The holder of an inactive license or an individual who has 1824
failed to renew the individual's license may have the license 1825
~~restored or renewed~~ reactivated or reinstated upon ~~meeting~~ doing 1826
the following, as applicable to the holder or individual: 1827

(1) Applying to the board for license reactivation or 1828
reinstatement on forms provided by the board; 1829

(2) Meeting the requirements for ~~restoring and renewing~~ 1830
reactivating or reinstating licenses established in rules adopted 1831
under section 4723.07 of the Revised Code or, if the individual 1832
did not renew because of service in the armed forces of the United 1833
States, as provided in section 5903.10 of the Revised Code; 1834

(3) If the license has been inactive for at least five years 1835
from the date of application for reactivation or has lapsed for at 1836
least five years from the date of application for reinstatement, 1837
submitting a request to the bureau of criminal identification and 1838

investigation for a criminal records check and check of federal 1839
bureau of investigation records pursuant to section 4723.091 of 1840
the Revised Code. 1841

Sec. 4723.271. The (A) Upon request of the holder of a 1842
nursing license, certificate of authority, dialysis technician 1843
certificate, medication aide certificate, or community health 1844
worker certificate issued under this chapter, the presentment of 1845
proper identification as prescribed in rules adopted by the board 1846
of nursing, and payment of the fee authorized under section 1847
4723.08 of the Revised Code, the board of nursing shall provide to 1848
the requestor a replacement copy of a nursing license, certificate 1849
of authority, dialysis technician wall certificate, or community 1850
health worker certificate issued under this chapter upon request 1851
of the holder accompanied by proper identification as prescribed 1852
in rules adopted by the board and payment of the fee authorized 1853
under section 4723.08 of the Revised Code suitable for framing. 1854

(B) Upon request of the holder of a nursing license, 1855
certificate of authority, certificate to prescribe, dialysis 1856
technician certificate, medication aide certificate, or community 1857
health worker certificate issued under this chapter and payment of 1858
the fee authorized under section 4723.08 of the Revised Code, the 1859
board shall verify to an agency of another jurisdiction or foreign 1860
country the fact that the person holds such nursing license, 1861
certificate of authority, certificate to prescribe, dialysis 1862
technician certificate, medication aide certificate, or community 1863
health worker certificate. 1864

Sec. 4723.28. (A) The board of nursing, by a vote of a 1865
quorum, may revoke or may refuse to grant a nursing license, 1866
certificate of authority, or dialysis technician certificate to a 1867
person found by the board to have impose one or more of the 1868
following sanctions if it finds that a person committed fraud in 1869

passing an examination required to obtain ~~the~~ a license, 1870
certificate of authority, or dialysis technician certificate 1871
issued by the board, or to have committed fraud, 1872
misrepresentation, or deception in applying for or securing ~~any~~ a 1873
nursing license, certificate of authority, or dialysis technician 1874
certificate issued by the board: deny, revoke, suspend, or place 1875
restrictions on any nursing license, certificate of authority, or 1876
dialysis technician certificate issued by the board; reprimand or 1877
otherwise discipline a holder of a nursing license, certificate of 1878
authority, or dialysis technician certificate; or impose a fine of 1879
not more than five hundred dollars per violation. 1880

(B) ~~Subject to division (N) of this section, the~~ The board of 1881
nursing, by a vote of a quorum, may impose one or more of the 1882
following sanctions: deny, revoke, suspend, or place restrictions 1883
on any nursing license, certificate of authority, or dialysis 1884
technician certificate issued by the board; reprimand or otherwise 1885
discipline a holder of a nursing license, certificate of 1886
authority, or dialysis technician certificate; or impose a fine of 1887
not more than five hundred dollars per violation. The sanctions 1888
may be imposed for any of the following: 1889

(1) Denial, revocation, suspension, or restriction of 1890
authority to practice a health care occupation, including nursing 1891
or practice as a dialysis technician, for any reason other than a 1892
failure to renew, in Ohio or another state or jurisdiction; 1893

(2) Engaging in the practice of nursing or engaging in 1894
practice as a dialysis technician, having failed to renew a 1895
nursing license or dialysis technician certificate issued under 1896
this chapter, or while a nursing license or dialysis technician 1897
certificate is under suspension; 1898

(3) Conviction of, a plea of guilty to, a judicial finding of 1899
guilt of, a judicial finding of guilt resulting from a plea of no 1900
contest to, or a judicial finding of eligibility for a pretrial 1901

diversion or similar program or for intervention in lieu of 1902
conviction for, a misdemeanor committed in the course of practice; 1903

(4) Conviction of, a plea of guilty to, a judicial finding of 1904
guilt of, a judicial finding of guilt resulting from a plea of no 1905
contest to, or a judicial finding of eligibility for a pretrial 1906
diversion or similar program or for intervention in lieu of 1907
conviction for, any felony or of any crime involving gross 1908
immorality or moral turpitude; 1909

(5) Selling, giving away, or administering drugs or 1910
therapeutic devices for other than legal and legitimate 1911
therapeutic purposes; or conviction of, a plea of guilty to, a 1912
judicial finding of guilt of, a judicial finding of guilt 1913
resulting from a plea of no contest to, or a judicial finding of 1914
eligibility for a pretrial diversion or similar program or for 1915
intervention in lieu of conviction for, violating any municipal, 1916
state, county, or federal drug law; 1917

(6) Conviction of, a plea of guilty to, a judicial finding of 1918
guilt of, a judicial finding of guilt resulting from a plea of no 1919
contest to, or a judicial finding of eligibility for a pretrial 1920
diversion or similar program or for intervention in lieu of 1921
conviction for, an act in another jurisdiction that would 1922
constitute a felony or a crime of moral turpitude in Ohio; 1923

(7) Conviction of, a plea of guilty to, a judicial finding of 1924
guilt of, a judicial finding of guilt resulting from a plea of no 1925
contest to, or a judicial finding of eligibility for a pretrial 1926
diversion or similar program or for intervention in lieu of 1927
conviction for, an act in the course of practice in another 1928
jurisdiction that would constitute a misdemeanor in Ohio; 1929

(8) Self-administering or otherwise taking into the body any 1930
dangerous drug, as defined in section 4729.01 of the Revised Code, 1931
in any way that is not in accordance with a legal, valid 1932

prescription issued for that individual;	1933
(9) Habitual indulgence in the <u>or excessive</u> use of controlled substances, other habit-forming drugs, or alcohol or other chemical substances to an extent that impairs ability to practice <u>the individual's ability to provide safe nursing care or safe dialysis care;</u>	1934 1935 1936 1937 1938
(10) Impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care <u>or safe dialysis care</u> because of habitual or excessive <u>the</u> use of drugs, alcohol, or other chemical substances that impair the ability to practice;	1939 1940 1941 1942 1943
(11) Impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care <u>or safe dialysis care</u> because of a physical or mental disability;	1944 1945 1946
(12) Assaulting or causing harm to a patient or depriving a patient of the means to summon assistance;	1947 1948
(13) Obtaining or attempting to obtain <u>Misappropriation or attempted misappropriation of</u> money or anything of value by intentional misrepresentation or material deception in the course of practice;	1949 1950 1951 1952
(14) Adjudication by a probate court of being mentally ill or mentally incompetent. The board may restore <u>reinstate</u> the person's nursing license or dialysis technician certificate upon adjudication by a probate court of the person's restoration to competency or upon submission to the board of other proof of competency.	1953 1954 1955 1956 1957 1958
(15) The suspension or termination of employment by the department of defense or the veterans administration of the United States for any act that violates or would violate this chapter;	1959 1960 1961
(16) Violation of this chapter or any rules adopted under it;	1962

(17) Violation of any restrictions placed <u>by the board</u> on a nursing license or dialysis technician certificate by the board ;	1963 1964
(18) Failure to use universal blood and body fluid <u>standard</u> precautions established by rules adopted under section 4723.07 of the Revised Code;	1965 1966 1967
(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;	1968 1969
(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;	1970 1971 1972
(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;	1973 1974 1975
(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;	1976 1977 1978
(23) Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter;	1979 1980 1981
(24) In the case of a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, except as provided in division (M) of this section, either of the following:	1982 1983 1984 1985
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	1986 1987 1988 1989 1990 1991
(b) Advertising that the nurse will waive the payment of all	1992

or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay.

(25) Failure to comply with the terms and conditions of participation in the chemical dependency monitoring program established under section 4723.35 of the Revised Code;

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

(27) In the case of a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner:

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

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

(28) In the case of a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to maintain a standard care arrangement in accordance with section 4723.431 of the Revised Code or to practice in accordance with the standard care arrangement;

(29) In the case of a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code, failure to prescribe drugs and therapeutic devices in accordance with section 4723.481 of the Revised Code;

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

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

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

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

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

(33) Assisting suicide as defined in section 3795.01 of the Revised Code.

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

(D) The hearings of the board shall be conducted in accordance with Chapter 119. of the Revised Code, and the board may appoint a hearing examiner, as provided in section 119.09 of the Revised Code, to conduct any hearing the board is authorized to hold under Chapter 119. of the Revised Code.

In any instance in which the board is required under Chapter

119. of the Revised Code to give notice of an opportunity for a 2054
hearing and the applicant, licensee, or license certificate holder 2055
does not make a timely request for a hearing in accordance with 2056
section 119.07 of the Revised Code, the board is not required to 2057
hold a hearing, but may adopt, by a vote of a quorum, a final 2058
order that contains the board's findings. In the final order, the 2059
board may order any of the sanctions listed in division (A) or (B) 2060
of this section. 2061

(E) If a criminal action is brought against a registered 2062
nurse, licensed practical nurse, or dialysis technician for an act 2063
or crime described in divisions (B)(3) to (7) of this section and 2064
the action is dismissed by the trial court other than on the 2065
merits, the board shall conduct an adjudication to determine 2066
whether the registered nurse, licensed practical nurse, or 2067
dialysis technician committed the act on which the action was 2068
based. If the board determines on the basis of the adjudication 2069
that the registered nurse, licensed practical nurse, or dialysis 2070
technician committed the act, or if the registered nurse, licensed 2071
practical nurse, or dialysis technician fails to participate in 2072
the adjudication, the board may take action as though the 2073
registered nurse, licensed practical nurse, or dialysis technician 2074
had been convicted of the act. 2075

If the board takes action on the basis of a conviction, plea, 2076
or a judicial finding as described in divisions (B)(3) to (7) of 2077
this section that is overturned on appeal, the registered nurse, 2078
licensed practical nurse, or dialysis technician may, on 2079
exhaustion of the appeal process, petition the board for 2080
reconsideration of its action. On receipt of the petition and 2081
supporting court documents, the board shall temporarily rescind 2082
its action. If the board determines that the decision on appeal 2083
was a decision on the merits, it shall permanently rescind its 2084
action. If the board determines that the decision on appeal was 2085

not a decision on the merits, it shall conduct an adjudication to 2086
determine whether the registered nurse, licensed practical nurse, 2087
or dialysis technician committed the act on which the original 2088
conviction, plea, or judicial finding was based. If the board 2089
determines on the basis of the adjudication that the registered 2090
nurse, licensed practical nurse, or dialysis technician committed 2091
such act, or if the registered nurse, licensed practical nurse, or 2092
dialysis technician does not request an adjudication, the board 2093
shall reinstate its action; otherwise, the board shall permanently 2094
rescind its action. 2095

Notwithstanding the provision of division (C)(2) of section 2096
2953.32 of the Revised Code specifying that if records pertaining 2097
to a criminal case are sealed under that section the proceedings 2098
in the case shall be deemed not to have occurred, sealing of the 2099
following records of a conviction on which the board has based an 2100
action under this section shall have no effect on the board's 2101
action or any sanction imposed by the board under this section: 2102
records of any conviction, guilty plea, judicial finding of guilt 2103
resulting from a plea of no contest, or a judicial finding of 2104
eligibility for a pretrial diversion program or intervention in 2105
lieu of conviction. 2106

The board shall not be required to seal, destroy, redact, or 2107
otherwise modify its records to reflect the court's sealing of 2108
conviction records. 2109

(F) The board may investigate an individual's criminal 2110
background in performing its duties under this section. As part of 2111
such investigation, the board may order the individual to submit, 2112
at the individual's expense, a request to the bureau of criminal 2113
identification and investigation for a criminal records check and 2114
check of federal bureau of investigation records in accordance 2115
with the procedure described in section 4723.091 of the Revised 2116
Code. 2117

(G) During the course of an investigation conducted under 2118
this section, the board may compel any registered nurse, licensed 2119
practical nurse, or dialysis technician or applicant under this 2120
chapter to submit to a mental or physical examination, or both, as 2121
required by the board and at the expense of the individual, if the 2122
board finds reason to believe that the individual under 2123
investigation may have a physical or mental impairment that may 2124
affect the individual's ability to provide safe nursing care. 2125
Failure of any individual to submit to a mental or physical 2126
examination when directed constitutes an admission of the 2127
allegations, unless the failure is due to circumstances beyond the 2128
individual's control, and a default and final order may be entered 2129
without the taking of testimony or presentation of evidence. 2130

If the board finds that an individual is impaired, the board 2131
shall require the individual to submit to care, counseling, or 2132
treatment approved or designated by the board, as a condition for 2133
initial, continued, reinstated, or renewed authority to practice. 2134
The individual shall be afforded an opportunity to demonstrate to 2135
the board that the individual can begin or resume the individual's 2136
occupation in compliance with acceptable and prevailing standards 2137
of care under the provisions of the individual's authority to 2138
practice. 2139

For purposes of this division, any registered nurse, licensed 2140
practical nurse, or dialysis technician or applicant under this 2141
chapter shall be deemed to have given consent to submit to a 2142
mental or physical examination when directed to do so in writing 2143
by the board, and to have waived all objections to the 2144
admissibility of testimony or examination reports that constitute 2145
a privileged communication. 2146

(H) The board shall investigate evidence that appears to show 2147
that any person has violated any provision of this chapter or any 2148
rule of the board. Any person may report to the board any 2149

information the person may have that appears to show a violation 2150
of any provision of this chapter or rule of the board. In the 2151
absence of bad faith, any person who reports such information or 2152
who testifies before the board in any adjudication conducted under 2153
Chapter 119. of the Revised Code shall not be liable for civil 2154
damages as a result of the report or testimony. 2155

(I) All of the following apply under this chapter with 2156
respect to the confidentiality of information: 2157

(1) Information received by the board pursuant to a complaint 2158
or an investigation is confidential and not subject to discovery 2159
in any civil action, except that the board may disclose 2160
information to law enforcement officers and government entities 2161
investigating for purposes of an investigation of a registered 2162
nurse, licensed practical nurse, or dialysis technician or a 2163
person who may have engaged in the unauthorized practice of 2164
nursing or dialysis care. No law enforcement officer or government 2165
entity with knowledge of any information disclosed by the board 2166
pursuant to this division shall divulge the information to any 2167
other person or government entity except for the purpose of an 2168
adjudication by a court or licensing or registration board or 2169
officer to which the person to whom the information relates is a 2170
party. 2171

(2) If an investigation requires a review of patient records, 2172
the investigation and proceeding shall be conducted in such a 2173
manner as to protect patient confidentiality. 2174

(3) All adjudications and investigations of the board shall 2175
be considered civil actions for the purposes of section 2305.252 2176
of the Revised Code. 2177

(4) Any board activity that involves continued monitoring of 2178
an individual as part of or following any disciplinary action 2179
taken under this section shall be conducted in a manner that 2180

maintains the individual's confidentiality. Information received 2181
or maintained by the board with respect to the board's monitoring 2182
activities is ~~confidential~~ and not subject to discovery in any 2183
civil action and is confidential, except that the board may 2184
disclose information to law enforcement officers and government 2185
entities for purposes of an investigation of a licensee or 2186
certificate holder. 2187

(J) Any action taken by the board under this section 2188
resulting in a suspension from practice shall be accompanied by a 2189
written statement of the conditions under which the person may be 2190
reinstated to practice. 2191

(K) When the board refuses to grant a license or certificate 2192
to an applicant, revokes a license or certificate, or refuses to 2193
reinstate a license or certificate, the board may specify that its 2194
action is permanent. An individual subject to permanent action 2195
taken by the board is forever ineligible to hold a license or 2196
certificate of the type that was refused or revoked and the board 2197
shall not accept from the individual an application for 2198
reinstatement of the license or certificate or for a new license 2199
or certificate. 2200

(L) No unilateral surrender of a nursing license, certificate 2201
of authority, or dialysis technician certificate issued under this 2202
chapter shall be effective unless accepted by majority vote of the 2203
board. No application for a nursing license, certificate of 2204
authority, or dialysis technician certificate issued under this 2205
chapter may be withdrawn without a majority vote of the board. The 2206
board's jurisdiction to take disciplinary action under this 2207
section is not removed or limited when an individual has a license 2208
or certificate classified as inactive or fails to renew a license 2209
or certificate. 2210

(M) Sanctions shall not be imposed under division (B)(24) of 2211
this section against any licensee who waives deductibles and 2212

copayments as follows: 2213

(1) In compliance with the health benefit plan that expressly 2214
allows such a practice. Waiver of the deductibles or copayments 2215
shall be made only with the full knowledge and consent of the plan 2216
purchaser, payer, and third-party administrator. Documentation of 2217
the consent shall be made available to the board upon request. 2218

(2) For professional services rendered to any other person 2219
licensed pursuant to this chapter to the extent allowed by this 2220
chapter and the rules of the board. 2221

~~(N)(1) Any person who enters a prelicensure nursing education 2222
program on or after June 1, 2003, and who subsequently applies 2223
under division (A) of section 4723.09 of the Revised Code for 2224
licensure to practice as a registered nurse or as a licensed 2225
practical nurse and any person who applies under division (B) of 2226
that section for license by endorsement to practice nursing as a 2227
registered nurse or as a licensed practical nurse shall submit a 2228
request to the bureau of criminal identification and investigation 2229
for the bureau to conduct a criminal records check of the 2230
applicant and to send the results to the board, in accordance with 2231
section 4723.09 of the Revised Code. 2232~~

~~The board shall refuse to grant a license to practice nursing 2233
as a registered nurse or as a licensed practical nurse under 2234
section 4723.09 of the Revised Code to a person who entered a 2235
prelicensure nursing education program on or after June 1, 2003, 2236
and applied under division (A) of section 4723.09 of the Revised 2237
Code for the license or a person who applied under division (B) of 2238
that section for the license, if the criminal records check 2239
performed in accordance with division (C) of that section 2240
indicates that the person has pleaded guilty to, been convicted 2241
of, or has had a judicial finding of guilt for violating section 2242
2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2243
2907.05, 2909.02, 2911.01, or 2911.11 of the Revised Code or a 2244~~

~~substantially similar law of another state, the United States, or
another country.~~ 2245
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~~(2) Any person who enters a dialysis training program on or
after June 1, 2003, and who subsequently applies for a certificate
to practice as a dialysis technician shall submit a request to the
bureau of criminal identification and investigation for the bureau
to conduct a criminal records check of the applicant and to send
the results to the board, in accordance with section 4723.75 of
the Revised Code.~~ 2247
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~~The board shall refuse to issue a certificate to practice as
a dialysis technician under section 4723.75 of the Revised Code to
a person who entered a dialysis training program on or after June
1, 2003, and whose criminal records check performed in accordance
with division (C) of that section indicates that the person has
pleaded guilty to, been convicted of, or has had a judicial
finding of guilt for violating section 2903.01, 2903.02, 2903.03,
2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, or
2911.11 of the Revised Code or a substantially similar law of
another state, the United States, or another country.~~ 2254
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Sec. 4723.32. This chapter does not prohibit any of the 2264
following: 2265

(A) The practice of nursing by a student currently enrolled 2266
in and actively pursuing completion of a prelicensure nursing 2267
education program, if all of the following are the case: 2268

(1) The student is participating in a program located in this 2269
state and approved by the board of nursing or participating in 2270
this state in a component of a program located in another 2271
jurisdiction and approved by a board that is a member of the 2272
national council of state boards of nursing; 2273

(2) The student's practice is under the auspices of the 2274

program;	2275
(3) The student acts under the supervision of a registered nurse serving for the program as a faculty member or teaching assistant.	2276 2277 2278
(B) The rendering of medical assistance to a licensed physician, licensed dentist, or licensed podiatrist by a person under the direction, supervision, and control of such licensed physician, dentist, or podiatrist;	2279 2280 2281 2282
(C) The activities of persons employed as nursing aides, attendants, orderlies, or other auxiliary workers in patient homes, nurseries, nursing homes, hospitals, home health agencies, or other similar institutions;	2283 2284 2285 2286
(D) The provision of nursing services to family members or in emergency situations;	2287 2288
(E) The care of the sick when done in connection with the practice of religious tenets of any church and by or for its members;	2289 2290 2291
(F) The practice of nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner by a student currently enrolled in and actively pursuing completion of a program of study leading to initial authorization by the board of nursing to practice nursing in the specialty, if all of the following are the case:	2292 2293 2294 2295 2296 2297
(1) The program qualifies the student to sit for the examination of a national certifying organization listed in division (A)(3) of section 4723.41 of the Revised Code or approved by the board under section 4723.46 of the Revised Code or the program prepares the student to receive a master's degree in accordance with division (A)(2) of section 4723.41 of the Revised Code;	2298 2299 2300 2301 2302 2303 2304

(2) The student's practice is under the auspices of the program;	2305 2306
(3) The student acts under the supervision of a registered nurse serving for the program as a faculty member, teaching assistant, or preceptor.	2307 2308 2309
(G) The activities of an individual who currently holds a license to practice nursing in another jurisdiction, if the individual's license has not been revoked, the individual is not currently under suspension or on probation, the individual does not represent the individual as being licensed under this chapter, and one of the following is the case:	2310 2311 2312 2313 2314 2315
(1) The individual is engaging in the practice of nursing by discharging official duties while employed by or under contract with the United States government or any agency thereof;	2316 2317 2318
(2) The individual is engaging in the practice of nursing as an employee of an individual, agency, or corporation located in the other jurisdiction in a position with employment responsibilities that include transporting patients into, out of, or through this state, as long as each trip in this state does not exceed seventy-two hours;	2319 2320 2321 2322 2323 2324
(3) The individual is consulting with an individual licensed in this state to practice any health-related profession;	2325 2326
(4) The individual is engaging in activities associated with teaching in this state as a guest lecturer at or for a nursing education program, continuing nursing education program, or in-service presentation;	2327 2328 2329 2330
(5) The individual is conducting evaluations of nursing care that are undertaken on behalf of an accrediting organization, including the national league for nursing accrediting committee, the joint commission on accreditation of healthcare organizations, or any other nationally recognized accrediting organization;	2331 2332 2333 2334 2335

(6) The individual is providing nursing care to an individual 2336
who is in this state on a temporary basis, not to exceed six 2337
months in any one calendar year, if the nurse is directly employed 2338
by or under contract with the individual or a guardian or other 2339
person acting on the individual's behalf; 2340

(7) The individual is providing nursing care during any 2341
disaster, natural or otherwise, that has been officially declared 2342
to be a disaster by a public announcement issued by an appropriate 2343
federal, state, county, or municipal official. 2344

(H) The administration of medication by an individual who 2345
holds a valid medication aide certificate issued under this 2346
chapter, if the medication is administered to a resident of a 2347
nursing home or residential care facility authorized by section 2348
~~4723.63~~ or 4723.64 of the Revised Code to use a certified 2349
medication aide and the medication is administered in accordance 2350
with section 4723.67 of the Revised Code. 2351

Sec. 4723.34. (A) ~~Reports to the board of nursing shall be~~ 2352
~~made as follows:~~ 2353

~~(1) Every employer of~~ A person or governmental entity that 2354
employs, or contracts directly or through another person or 2355
governmental entity for the provision of services by, registered 2356
nurses, licensed practical nurses, ~~or~~ dialysis technicians, 2357
medication aides, or certified community health workers and that 2358
knows or has reason to believe that a current or former employee 2359
or person providing services under a contract who holds a license 2360
or certificate issued under this chapter engaged in conduct that 2361
would be grounds for disciplinary action by the board of nursing 2362
under this chapter or rules adopted under it shall report to the 2363
board of nursing the name of ~~any~~ such current or former employee 2364
~~who holds a nursing license or dialysis technician certificate~~ 2365
~~issued under this chapter who has engaged in conduct that would be~~ 2366

~~grounds for disciplinary action by the board under section 4723.28 2367
of the Revised Code or person providing services under a contract. 2368
The report shall be made on the person's or governmental entity's 2369
behalf by an individual licensed by the board who the person or 2370
governmental entity has designated to make such reports. 2371~~

~~Every employer of certified community health workers shall 2372
report to the board the name of any current or former employee who 2373
holds a community health worker certificate issued under this 2374
chapter who has engaged in conduct that would be grounds for 2375
disciplinary action by the board under section 4723.86 of the 2376
Revised Code. 2377~~

~~Every employer of medication aides shall report to the board 2378
the name of any current or former employee who holds a medication 2379
aide certificate issued under this chapter who has engaged in 2380
conduct that would be grounds for disciplinary action by the board 2381
under section 4723.652 of the Revised Code. 2382~~

~~(2) Nursing associations shall report to the board the name 2383
of any registered nurse or licensed practical nurse and dialysis 2384
technician associations shall report to the board the name of any 2385
dialysis technician who has been investigated and found to 2386
constitute a danger to the public health, safety, and welfare 2387
because of conduct that would be grounds for disciplinary action 2388
by the board under section 4723.28 of the Revised Code, except 2389
that an association is not required to report the individual's 2390
name if the individual is maintaining satisfactory participation 2391
in a peer support program approved by the board under rules 2392
adopted under section 4723.07 of the Revised Code. 2393~~

~~Community health worker associations shall report to the 2394
board the name of any certified community health worker who has 2395
been investigated and found to constitute a danger to the public 2396
health, safety, and welfare because of conduct that would be 2397
grounds for disciplinary action by the board under section 4723.86 2398~~

~~of the Revised Code, except that an association is not required to report the individual's name if the individual is maintaining satisfactory participation in a peer support program approved by the board under rules adopted under section 4723.07 of the Revised Code.~~

~~Medication aide associations shall report to the board the name of any medication aide who has been investigated and found to constitute a danger to the public health, safety, and welfare because of conduct that would be grounds for disciplinary action by the board under section 4723.652 of the Revised Code, except that an association is not required to report the individual's name if the individual is maintaining satisfactory participation in a peer support program approved by the board under rules adopted under section 4723.69 of the Revised Code.~~

~~(3) If the A prosecutor in a case described in divisions (B)(3) to (5) of section 4723.28 of the Revised Code, or in a case where the trial court issued an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor committed in the course of practice, a felony charge, or a charge of gross immorality or moral turpitude, who knows or has reason to believe that the person charged is licensed under this chapter to practice nursing as a registered nurse or as a licensed practical nurse or holds a certificate issued under this chapter to practice as a dialysis technician, ~~the prosecutor~~ shall notify the board of nursing of the charge. With regard to certified community health workers and medication aides, ~~if~~ the prosecutor in a case involving a charge of a misdemeanor committed in the course of employment, a felony charge, or a charge of gross immorality or moral turpitude, including a case dismissed on technical or procedural grounds, who knows or has reason to believe that the person charged holds a community health worker or medication aide certificate issued under this chapter, ~~the prosecutor~~ shall notify~~

the board of the charge. 2431

Each notification ~~required by this division~~ from a prosecutor 2432
shall be made on forms prescribed and provided by the board. The 2433
report shall include the name and address of the license or 2434
certificate holder, the charge, and the certified court documents 2435
recording the action. 2436

(B) If any person or governmental entity fails to provide a 2437
report required by this section, the board may seek an order from 2438
a court of competent jurisdiction compelling submission of the 2439
report. 2440

Sec. 4723.35. (A) As used in this section, "chemical 2441
dependency" means either of the following: 2442

(1) The chronic and habitual use of alcoholic beverages to 2443
the extent that the user no longer can control the use of alcohol 2444
or endangers the user's health, safety, or welfare or that of 2445
others; 2446

(2) The use of a controlled substance as defined in section 2447
3719.01 of the Revised Code, a harmful intoxicant as defined in 2448
section 2925.01 of the Revised Code, or a dangerous drug as 2449
defined in section 4729.01 of the Revised Code, to the extent that 2450
the user becomes physically or psychologically dependent on the 2451
substance, intoxicant, or drug or endangers the user's health, 2452
safety, or welfare or that of others. 2453

(B) The board of nursing may abstain from taking disciplinary 2454
action under section 4723.28 or 4723.86 of the Revised Code 2455
against an individual with a chemical dependency if it finds that 2456
the individual can be treated effectively and there is no 2457
impairment of the individual's ability to practice according to 2458
acceptable and prevailing standards of safe care. The board shall 2459
establish a chemical dependency monitoring program to monitor the 2460

registered nurses, licensed practical nurses, dialysis 2461
technicians, and certified community health workers against whom 2462
the board has abstained from taking action. The board shall 2463
develop the program, select the program's name, and designate a 2464
coordinator to administer the program. 2465

(C) Determinations regarding an individual's eligibility for 2466
admission to, continued participation in, and successful 2467
completion of the monitoring program shall be made by the board's 2468
supervising member for disciplinary matters in accordance with 2469
rules adopted under division (D) of this section. 2470

(D) The board shall adopt rules in accordance with Chapter 2471
119. of the Revised Code that establish the following: 2472

(1) Eligibility requirements for admission to and continued 2473
participation in the monitoring program; 2474

(2) Terms and conditions that must be met to participate in 2475
and successfully complete the program; 2476

(3) Procedures for keeping confidential records regarding 2477
participants; 2478

(4) Any other requirements or procedures necessary to 2479
establish and administer the program. 2480

~~(D)~~(E)(1) As a condition of being admitted to the monitoring 2481
program, an individual shall surrender to the program coordinator 2482
the license or certificate that the individual holds. While the 2483
surrender is in effect, the individual is prohibited from engaging 2484
in the practice of nursing, engaging in the provision of dialysis 2485
care, or engaging in the provision of services that were being 2486
provided as a certified community health worker. 2487

If the ~~program coordinator~~ board's supervising member for 2488
disciplinary matters determines that a participant is capable of 2489
resuming practice according to acceptable and prevailing standards 2490

of safe care, the program coordinator shall return the 2491
participant's license or certificate. If the participant violates 2492
the terms and conditions of resumed practice, the ~~program~~ 2493
coordinator shall require the participant to surrender the license 2494
or certificate as a condition of continued participation in the 2495
program. The coordinator may require the surrender only on the 2496
approval of the board's supervising member for disciplinary 2497
matters. 2498

The surrender of a license or certificate on admission to the 2499
monitoring program or while participating in the program does not 2500
constitute an action by the board under section 4723.28 or 4723.86 2501
of the Revised Code. The participant may rescind the surrender at 2502
any time and the board may proceed by taking action under section 2503
4723.28 or 4723.86 of the Revised Code. 2504

(2) If the program coordinator determines that a participant 2505
is significantly out of compliance with the terms and conditions 2506
for participation, the coordinator shall notify the board's 2507
supervising member for disciplinary matters and the supervising 2508
member shall determine whether to temporarily suspend the 2509
participant's license or certificate. The ~~program coordinator~~ 2510
board shall notify the participant of the suspension by certified 2511
mail sent to the participant's last known address and shall refer 2512
the matter to the board for formal action under section 4723.28 or 2513
4723.86 of the Revised Code. 2514

~~(E)~~(F) All of the following apply with respect to the 2515
receipt, release, and maintenance of records and information by 2516
the monitoring program: 2517

(1) The program coordinator shall maintain all program 2518
records in the board's office, and for each participant, shall 2519
retain the records for a period of ~~five~~ two years following the 2520
participant's date of successful completion of the program. 2521

(2) When applying to participate in the monitoring program, 2522
the applicant shall sign a waiver permitting the ~~program~~ 2523
~~coordinator board~~ to receive and release information necessary ~~for~~ 2524
~~the coordinator~~ to determine whether the individual is eligible 2525
for admission. After being admitted, the participant shall sign a 2526
waiver permitting the ~~program-coordinator board~~ to receive and 2527
release information necessary to determine whether the individual 2528
is eligible for continued participation in the program. 2529
Information that may be necessary for the ~~program-coordinator~~ 2530
board's supervising member for disciplinary matters to determine 2531
eligibility for admission or continued participation in the 2532
monitoring program includes, but is not limited to, information 2533
provided to and by employers, probation officers, law enforcement 2534
agencies, peer assistance programs, health professionals, and 2535
treatment providers. No entity with knowledge that the information 2536
has been provided to the monitoring program shall divulge that 2537
knowledge to any other person. 2538

(3) Except as provided in division ~~(E)~~(F)(4) of this section, 2539
all records pertaining to an individual's application for or 2540
participation in the monitoring program, including medical 2541
records, treatment records, and mental health records, shall be 2542
confidential. The records are not public records for the purposes 2543
of section 149.43 of the Revised Code and are not subject to 2544
discovery by subpoena or admissible as evidence in any judicial 2545
proceeding. 2546

(4) The ~~program-coordinator board~~ may disclose information 2547
regarding a participant's progress in the program to any person or 2548
government entity that the participant authorizes in writing to be 2549
given the information. In disclosing information under this 2550
division, the ~~coordinator board~~ shall not include any information 2551
that is protected under section 3793.13 of the Revised Code or any 2552
federal statute or regulation that provides for the 2553

confidentiality of medical, mental health, or substance abuse 2554
records. 2555

~~(F)~~(G) In the absence of fraud or bad faith, the ~~program~~ 2556
~~coordinator, the board of nursing, and the board's employees and~~ 2557
~~representatives as a whole, its individual members, and its~~ 2558
employees and representatives are not liable for damages in any 2559
civil action as a result of disclosing information in accordance 2560
with division ~~(E)~~(F)(4) of this section. In the absence of fraud 2561
or bad faith, any person reporting to the program with regard to 2562
an individual's chemical dependence, or the progress or lack of 2563
progress of that individual with regard to treatment, is not 2564
liable for damages in any civil action as a result of the report. 2565

Sec. 4723.41. (A) Each person who desires to practice nursing 2566
as a certified nurse-midwife and has not been authorized to 2567
practice midwifery prior to December 1, 1967, and each person who 2568
desires to practice nursing as a certified registered nurse 2569
anesthetist, clinical nurse specialist, or certified nurse 2570
practitioner shall file with the board of nursing a written 2571
application for authorization to practice nursing in the desired 2572
specialty, under oath, on a form prescribed by the board. 2573

Except as provided in ~~divisions~~ division (B), ~~(C), and (D)~~ of 2574
this section, at the time of making application, the applicant 2575
shall meet all of the following requirements: 2576

(1) Be a registered nurse; 2577

(2) Submit documentation satisfactory to the board that the 2578
applicant has earned a graduate degree with a major in a nursing 2579
specialty or in a related field that qualifies the applicant to 2580
sit for the certification examination of a national certifying 2581
organization listed in division (A)(3) of this section or approved 2582
by the board under section 4723.46 of the Revised Code; 2583

(3) Submit documentation satisfactory to the board of having 2584
passed the certification examination of one of the following: 2585

(a) If the applicant is applying to practice nursing as a 2586
certified nurse-midwife, the American college of nurse-midwives or 2587
another national certifying organization approved by the board 2588
under section 4723.46 of the Revised Code to examine and certify 2589
nurse-midwives; 2590

(b) If the applicant is applying to practice nursing as a 2591
certified registered nurse anesthetist, the national council on 2592
certification of nurse anesthetists of the American association of 2593
nurse anesthetists, the national council on recertification of 2594
nurse anesthetists of the American association of nurse 2595
anesthetists, or another national certifying organization approved 2596
by the board under section 4723.46 of the Revised Code to examine 2597
and certify registered nurse anesthetists; 2598

(c) If the applicant is applying to practice nursing as a 2599
clinical nurse specialist, the American nurses credentialing 2600
center or another national certifying organization approved by the 2601
board under section 4723.46 of the Revised Code to examine and 2602
certify clinical nurse specialists; 2603

(d) If the applicant is applying to practice nursing as a 2604
certified nurse practitioner, the American nurses credentialing 2605
center, the national certification corporation, the national board 2606
of pediatric nurse practitioners and associates, or another 2607
national certifying organization approved by the board under 2608
section 4723.46 of the Revised Code to examine and certify nurse 2609
practitioners. 2610

(4) Submit an affidavit with the application that states all 2611
of the following: 2612

(a) That the applicant is the person named in the documents 2613
submitted under divisions (A)(2) and (3) of this section and is 2614

the lawful possessor thereof; 2615

(b) The applicant's age, residence, the school at which the 2616
applicant obtained education in the applicant's nursing specialty, 2617
and any other facts that the board requires; 2618

(c) If the applicant is already engaged in the practice of 2619
nursing as a certified registered nurse anesthetist, clinical 2620
nurse specialist, certified nurse-midwife, or certified nurse 2621
practitioner, the period during which and the place where the 2622
applicant is engaged; 2623

(d) If the applicant is already engaged in the practice of 2624
nursing as a clinical nurse specialist, certified nurse-midwife, 2625
or certified nurse practitioner, the names and business addresses 2626
of the applicant's current collaborating physicians and 2627
podiatrists. ~~If the applicant is not yet engaged in the practice 2628
of nursing as a clinical nurse specialist, certified 2629
nurse midwife, or certified nurse practitioner, the applicant 2630
shall submit the names and business addresses of the applicant's 2631
collaborating physicians or podiatrists not later than thirty days 2632
after first engaging in the practice. The applicant shall give 2633
written notice to the board of any additions or deletions to the 2634
affidavit of collaborating physicians or podiatrists not later 2635
than thirty days after the change takes effect. 2636~~

~~(B) On or before December 31, 2000, the board shall issue to 2637
an applicant a certificate of authority to practice nursing as a 2638
certified registered nurse anesthetist, certified nurse midwife, 2639
or certified nurse practitioner if the applicant complies with all 2640
requirements of this section, other than the requirement that the 2641
applicant has earned a graduate degree with a major in a nursing 2642
specialty or in a related field that qualifies the applicant to 2643
sit for the certification examination of a national certifying 2644
organization listed in division (A)(3) of this section or approved 2645
by the board under section 4723.46 of the Revised Code. 2646~~

~~(C) On or before December 31, 2000, the board shall issue to an applicant a certificate of authority to practice nursing as a clinical nurse specialist if one of the following applies:~~

~~(1) The applicant holds a graduate degree with a major in a clinical area of nursing from an educational institution accredited by a national or regional accrediting organization and complies with all requirements of this section, other than the requirement of having passed a certification examination.~~

~~(2) The applicant holds a graduate degree in nursing or a related field and is certified as a clinical nurse specialist by the American nurses credentialing center or another national certifying organization approved by the board under section 4723.46 of the Revised Code.~~

~~(D) On or before December 31, 2008, the board shall issue to an applicant a certificate of authority to practice nursing as a certified nurse practitioner if the applicant has successfully completed a nurse practitioner certificate program that receives funding under and is employed by a public agency or a private, nonprofit entity that receives funding under Title X of the "Public Health Service Act," 42 U.S.C. 300 and 300a 1 (1991), and complies with all requirements of this section, other than the requirement that the applicant has earned a graduate degree with a major in a nursing specialty or a related field.~~

~~(E)(B)(1)~~ A certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who is practicing as such in another jurisdiction may apply for a certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner in this state if the nurse meets the requirements for a certificate of authority set forth in division (A) of this section or division (B)(2) of this section. The

(2) If an applicant practicing in another jurisdiction 2679
applies for a certificate of authority under division (B)(2) of 2680
this section, the application shall be submitted to the board in 2681
the form prescribed by rules of the board and be accompanied by 2682
the application fee required by section 4723.08 of the Revised 2683
Code. The application shall include evidence that the applicant 2684
meets the requirements of division (B)(2) of this section, holds a 2685
license or certificate to practice nursing as a certified 2686
registered nurse anesthetist, clinical nurse specialist, certified 2687
nurse-midwife, or certified nurse practitioner in good standing in 2688
another jurisdiction granted after meeting requirements approved 2689
by the entity of that jurisdiction that licenses nurses, and other 2690
information required by rules of the board of nursing. 2691

~~If~~ With respect to the educational requirements and national 2692
certification requirements that an applicant under division (B)(2) 2693
of this section must meet, both of the following apply: 2694

(a) If the applicant is a certified registered nurse 2695
anesthetist, certified nurse-midwife, or certified nurse 2696
practitioner who, on or before December 31, 2000, ~~met the~~ 2697
~~requirements of this section to practice as such and has~~ 2698
~~maintained~~ obtained certification in the applicant's nursing 2699
specialty with a national certifying organization listed in 2700
division (A)(3) of section 4723.41 of the Revised Code or approved 2701
by the board under section 4723.46 of the Revised Code, ~~division~~ 2702
~~(B) of this section shall apply~~ the applicant must have maintained 2703
the certification. The applicant is not required to have earned a 2704
graduate degree with a major in a nursing specialty or in a 2705
related field that qualifies the applicant to sit for the 2706
certification examination. 2707

(b) If the applicant is a clinical nurse specialist ~~who, on~~ 2708
~~or before December 31, 2000, met the requirements of this section~~ 2709
~~to practice as such, division (C) of this section shall apply~~ one 2710

of the following must apply to the applicant: 2711

(i) On or before December 31, 2000, the applicant obtained a graduate degree with a major in a clinical area of nursing from an educational institution accredited by a national or regional accrediting organization. The applicant is not required to have passed a certification examination. 2712
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(ii) On or before December 31, 2000, the applicant obtained a graduate degree in nursing or a related field and was certified as a clinical nurse specialist by the American nurses credentialing center or another national certifying organization approved by the board under section 4723.46 of the Revised Code. 2717
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Sec. 4723.42. (A) If the applicant for authorization to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner has met all the requirements of section 4723.41 of the Revised Code and has paid the fee required by section 4723.08 of the Revised Code, the board of nursing shall issue its certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, which shall designate the nursing specialty the nurse is authorized to practice. The certificate entitles its holder to practice nursing in the specialty designated on the certificate. 2722
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The board shall issue or deny its certificate not later than sixty days after receiving all of the documents required by section 4723.41 of the Revised Code. 2734
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If an applicant is under investigation for a violation of this chapter, the board shall conclude the investigation not later than ninety days after receipt of all required documents, unless this ninety-day period is extended by written consent of the applicant, or unless the board determines that a substantial 2737
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question of such a violation exists and the board has notified the 2742
applicant in writing of the reasons for the continuation of the 2743
investigation. If the board determines that the applicant has not 2744
violated this chapter, it shall issue a certificate not later than 2745
forty-five days after making that determination. 2746

(B) Authorization to practice nursing as a certified 2747
registered nurse anesthetist, clinical nurse specialist, certified 2748
nurse-midwife, or certified nurse practitioner shall be renewed 2749
biennially according to rules and a schedule adopted by the board. 2750
In providing renewal applications to certificate holders, the 2751
board shall follow the procedures it follows under section 4723.24 2752
of the Revised Code in providing renewal applications to license 2753
holders. Failure of the certificate holder to receive an 2754
application for renewal from the board does not excuse the holder 2755
from the requirements of section 4723.44 of the Revised Code. 2756

Not later than the date specified by the board, the holder 2757
shall complete the renewal form and return it to the board with 2758
all of the following: 2759

(1) The renewal fee required by section 4723.08 of the 2760
Revised Code; 2761

(2) ~~Except as provided in division (C) of this section,~~ 2762
~~documentation~~ Documentation satisfactory to the board that the 2763
holder has maintained certification in the nursing specialty with 2764
a national certifying organization listed in division (A)(3) of 2765
section 4723.41 of the Revised Code or approved by the board under 2766
section 4723.46 of the Revised Code; 2767

(3) A list of the names and business addresses of the 2768
holder's current collaborating physicians and podiatrists, if the 2769
holder is a clinical nurse specialist, certified nurse-midwife, or 2770
certified nurse practitioner; 2771

(4) If the holder's certificate was issued under division (C) 2772

of section 4723.41 of the Revised Code, as that division existed 2773
at any time before the effective date of this amendment, 2774
documentation satisfactory to the board that the holder has 2775
completed continuing education for a clinical nurse specialist as 2776
required by rule of the board+ 2777

~~(5) If the holder's certificate was issued under division (D)~~ 2778
~~of section 4723.41 of the Revised Code, documentation satisfactory~~ 2779
~~to the board that the holder has continued employment by a public~~ 2780
~~agency or a private, nonprofit entity that receives funding under~~ 2781
~~Title X of the "Public Health Service Act," 42 U.S.C. 300 and~~ 2782
~~300a-1 (1991).~~ 2783

On receipt of the renewal application, fees, and documents, 2784
the board shall verify that the applicant holds a current license 2785
to practice nursing as a registered nurse in this state, and, if 2786
it so verifies, shall renew the certificate. If an applicant 2787
submits the completed renewal application after the date specified 2788
in the board's schedule, but before the expiration of the 2789
certificate, the board shall grant a renewal when the late renewal 2790
fee required by section 4723.08 of the Revised Code is paid. 2791

An applicant for reinstatement of an expired certificate 2792
shall submit the reinstatement fee, renewal fee, and late renewal 2793
fee required by section 4723.08 of the Revised Code. Any holder of 2794
a certificate who desires inactive status shall give the board 2795
written notice to that effect. 2796

~~(C) The board shall renew a certificate of authority to~~ 2797
~~practice nursing as a clinical nurse specialist issued pursuant to~~ 2798
~~division (C) of section 4723.41 of the Revised Code, if the~~ 2799
~~certificate holder complies with all renewal requirements of this~~ 2800
~~section other than the requirement of having maintained~~ 2801
~~certification in the holder's nursing specialty.~~ 2802

Sec. 4723.43. A certified registered nurse anesthetist, 2803

clinical nurse specialist, certified nurse-midwife, or certified 2804
nurse practitioner may provide to individuals and groups nursing 2805
care that requires knowledge and skill obtained from advanced 2806
formal education and clinical experience. In this capacity as an 2807
advanced practice registered nurse, a certified nurse-midwife is 2808
subject to division (A) of this section, a certified registered 2809
nurse anesthetist is subject to division (B) of this section, a 2810
certified nurse practitioner is subject to division (C) of this 2811
section, and a clinical nurse specialist is subject to division 2812
(D) of this section. 2813

(A) A nurse authorized to practice as a certified 2814
nurse-midwife, in collaboration with one or more physicians, may 2815
provide the management of preventive services and those primary 2816
care services necessary to provide health care to women 2817
antepartally, intrapartally, postpartally, and gynecologically, 2818
consistent with the nurse's education and certification, and in 2819
accordance with rules adopted by the board of nursing. 2820

No certified nurse-midwife may perform version, deliver 2821
breech or face presentation, use forceps, do any obstetric 2822
operation, or treat any other abnormal condition, except in 2823
emergencies. Division (A) of this section does not prohibit a 2824
certified nurse-midwife from performing episiotomies or normal 2825
vaginal deliveries, or repairing vaginal tears. A certified 2826
nurse-midwife who holds a certificate to prescribe issued under 2827
section 4723.48 of the Revised Code may, in collaboration with one 2828
or more physicians, prescribe drugs and therapeutic devices in 2829
accordance with section 4723.481 of the Revised Code. 2830

(B) A nurse authorized to practice as a certified registered 2831
nurse anesthetist, with the supervision and in the immediate 2832
presence of a physician, podiatrist, or dentist, may administer 2833
anesthesia and perform anesthesia induction, maintenance, and 2834

emergence, and may perform with supervision preanesthetic 2835
preparation and evaluation, postanesthesia care, and clinical 2836
support functions, consistent with the nurse's education and 2837
certification, and in accordance with rules adopted by the board. 2838
A certified registered nurse anesthetist is not required to obtain 2839
a certificate to prescribe in order to provide the anesthesia care 2840
described in this division. 2841

The physician, podiatrist, or dentist supervising a certified 2842
registered nurse anesthetist must be actively engaged in practice 2843
in this state. When a certified registered nurse anesthetist is 2844
supervised by a podiatrist, the nurse's scope of practice is 2845
limited to the anesthesia procedures that the podiatrist has the 2846
authority under section 4731.51 of the Revised Code to perform. A 2847
certified registered nurse anesthetist may not administer general 2848
anesthesia under the supervision of a podiatrist in a podiatrist's 2849
office. When a certified registered nurse anesthetist is 2850
supervised by a dentist, the nurse's scope of practice is limited 2851
to the anesthesia procedures that the dentist has the authority 2852
under Chapter 4715. of the Revised Code to perform. 2853

(C) A nurse authorized to practice as a certified nurse 2854
practitioner, in collaboration with one or more physicians or 2855
podiatrists, may provide preventive and primary care services and 2856
evaluate and promote patient wellness within the nurse's nursing 2857
specialty, consistent with the nurse's education and 2858
certification, and in accordance with rules adopted by the board. 2859
A certified nurse practitioner who holds a certificate to 2860
prescribe issued under section 4723.48 of the Revised Code may, in 2861
collaboration with one or more physicians or podiatrists, 2862
prescribe drugs and therapeutic devices in accordance with section 2863
4723.481 of the Revised Code. 2864

When a certified nurse practitioner is collaborating with a 2865
podiatrist, the nurse's scope of practice is limited to the 2866

procedures that the podiatrist has the authority under section 2867
4731.51 of the Revised Code to perform. 2868

(D) A nurse authorized to practice as a clinical nurse 2869
specialist, in collaboration with one or more physicians or 2870
podiatrists, may provide and manage the care of individuals and 2871
groups with complex health problems and provide health care 2872
services that promote, improve, and manage health care within the 2873
nurse's nursing specialty, consistent with the nurse's education 2874
and in accordance with rules adopted by the board. A clinical 2875
nurse specialist who holds a certificate to prescribe issued under 2876
section 4723.48 of the Revised Code may, in collaboration with one 2877
or more physicians or podiatrists, prescribe drugs and therapeutic 2878
devices in accordance with section 4723.481 of the Revised Code. 2879

When a clinical nurse specialist is collaborating with a 2880
podiatrist, the nurse's scope of practice is limited to the 2881
procedures that the podiatrist has the authority under section 2882
4731.51 of the Revised Code to perform. 2883

Sec. 4723.431. (A) Except as provided in division (D)(1) of 2884
this section, a clinical nurse specialist, certified 2885
nurse-midwife, or certified nurse practitioner may practice only 2886
in accordance with a standard care arrangement entered into with 2887
each physician or podiatrist with whom the nurse collaborates. A 2888
copy of the standard care arrangement shall be retained on file at 2889
each site where the nurse practices. Prior approval of the 2890
standard care arrangement by the board of nursing is not required, 2891
but the board may periodically review it for compliance with this 2892
section. 2893

A clinical nurse specialist, certified nurse-midwife, or 2894
certified nurse practitioner may enter into a standard care 2895
arrangement with one or more collaborating physicians or 2896
podiatrists. ~~Each~~ Not later than thirty days after first engaging 2897

in the practice of nursing as a clinical nurse specialist, 2898
certified nurse-midwife, or certified nurse practitioner, the 2899
nurse shall submit to the board the name and business address of 2900
each collaborating physician or podiatrist. Thereafter, the nurse 2901
shall give to the board written notice of any additions or 2902
deletions to the nurse's collaborating physicians or podiatrists 2903
not later than thirty days after the change takes effect. 2904

Each collaborating physician or podiatrist must be actively 2905
engaged in direct clinical practice in this state and practicing 2906
in a specialty that is the same as or similar to the nurse's 2907
nursing specialty. If a collaborating physician or podiatrist 2908
enters into standard care arrangements with more than three nurses 2909
who hold certificates to prescribe issued under section 4723.48 of 2910
the Revised Code, the physician or podiatrist shall not 2911
collaborate at the same time with more than three of the nurses in 2912
the prescribing component of their practices. 2913

(B) A standard care arrangement shall be in writing and, 2914
except as provided in division (D)(2) of this section, shall 2915
contain all of the following: 2916

(1) Criteria for referral of a patient by the clinical nurse 2917
specialist, certified nurse-midwife, or certified nurse 2918
practitioner to a collaborating physician or podiatrist; 2919

(2) A process for the clinical nurse specialist, certified 2920
nurse-midwife, or certified nurse practitioner to obtain a 2921
consultation with a collaborating physician or podiatrist; 2922

(3) A plan for coverage in instances of emergency or planned 2923
absences of either the clinical nurse specialist, certified 2924
nurse-midwife, or certified nurse practitioner or a collaborating 2925
physician or podiatrist that provides the means whereby a 2926
physician or podiatrist is available for emergency care; 2927

(4) The process for resolution of disagreements regarding 2928

matters of patient management between the clinical nurse 2929
specialist, certified nurse-midwife, or certified nurse 2930
practitioner and a collaborating physician or podiatrist; 2931

(5) A procedure for a regular review of the referrals by the 2932
clinical nurse specialist, certified nurse-midwife, or certified 2933
nurse practitioner to other health care professionals and the care 2934
outcomes for a random sample of all patients seen by the nurse; 2935

(6) If the clinical nurse specialist or certified nurse 2936
practitioner regularly provides services to infants, a policy for 2937
care of infants up to age one and recommendations for 2938
collaborating physician visits for children from birth to age 2939
three; 2940

(7) Any other criteria required by rule of the board adopted 2941
pursuant to section 4723.07 or 4723.50 of the Revised Code. 2942

(C) A standard care arrangement entered into pursuant to this 2943
section may permit a clinical nurse specialist, certified 2944
nurse-midwife, or certified nurse practitioner to supervise 2945
services provided by a home health agency as defined in section 2946
3701.881 of the Revised Code. 2947

(D)(1) A clinical nurse specialist who does not hold a 2948
certificate to prescribe and whose nursing specialty is mental 2949
health or psychiatric mental health, as determined by the board, 2950
is not required to enter into a standard care arrangement, but 2951
shall practice in collaboration with one or more physicians. 2952

(2) If a clinical nurse specialist practicing in either of 2953
the specialties specified in division (D)(1) of this section holds 2954
a certificate to prescribe, the nurse shall enter into a standard 2955
care arrangement with one or more physicians. The standard care 2956
arrangement must meet the requirements of division (B) of this 2957
section, but only to the extent necessary to address the 2958
prescribing component of the nurse's practice. 2959

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

Sec. 4723.44. (A) No person shall do any of the following unless the person holds a current, valid certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner issued by the board of nursing under this chapter:

(1) Engage in the practice of nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner for a fee, salary, or other consideration, or as a volunteer;

(2) Represent the person as being a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;

(3) Use any title or initials implying that the person is a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;

(4) Represent the person as being an advanced practice registered nurse;

(5) Use any title or initials implying that the person is an advanced practice registered nurse.

(B) No person who is not certified by the national council on

certification of nurse anesthetists of the American association of 2990
nurse anesthetists, the national council on recertification of 2991
nurse anesthetists of the American association of nurse 2992
anesthetists, or another national certifying organization approved 2993
by the board under section 4723.46 of the Revised Code shall use 2994
the title "certified registered nurse anesthetist" or the initials 2995
"C.R.N.A.," or any other title or initial implying that the person 2996
has been certified by the council or organization. 2997

(C) No certified registered nurse anesthetist, clinical nurse 2998
specialist, certified nurse-midwife, or certified nurse 2999
practitioner shall do any of the following: 3000

(1) Engage, for a fee, salary, or other consideration, or as 3001
a volunteer, in the practice of a nursing specialty other than the 3002
specialty designated on the nurse's current, valid certificate of 3003
authority issued by the board under this chapter; 3004

(2) Represent the person as being authorized to practice any 3005
nursing specialty other than the specialty designated on the 3006
current, valid certificate of authority; 3007

(3) Use the title "certified registered nurse anesthetist" or 3008
the initials "N.A." or "C.R.N.A.," the title "clinical nurse 3009
specialist" or the initials "C.N.S.," the title "certified 3010
nurse-midwife" or the initials "C.N.M.," the title "certified 3011
nurse practitioner" or the initials "C.N.P.," the title "advanced 3012
practice registered nurse" or the initials "A.P.R.N.," or any 3013
other title or initials implying that the nurse is authorized to 3014
practice any nursing specialty other than the specialty designated 3015
on the nurse's current, valid certificate of authority; 3016

(4) Enter into a standard care arrangement with a physician 3017
or podiatrist whose practice is not the same as or similar to the 3018
nurse's nursing specialty; 3019

(5) Prescribe drugs or therapeutic devices unless the nurse 3020

holds a current, valid certificate to prescribe issued under 3021
section 4723.48 of the Revised Code; 3022

(6) Prescribe drugs or therapeutic devices under a 3023
certificate to prescribe in a manner that does not comply with 3024
section 4723.481 of the Revised Code; 3025

(7) Prescribe any drug or device to perform or induce an 3026
abortion, or otherwise ~~Perform~~ perform or induce an abortion. 3027

(D) No person shall knowingly employ a person to engage in 3028
the practice of nursing as a certified registered nurse 3029
anesthetist, clinical nurse specialist, certified nurse-midwife, 3030
or certified nurse practitioner unless the person so employed 3031
holds a current, valid certificate of authority to engage in that 3032
nursing specialty issued by the board under this chapter. 3033

(E) A certificate certified by the executive director of the 3034
board, under the official seal of the board, to the effect that it 3035
appears from the records that no certificate of authority to 3036
practice nursing as a certified registered nurse anesthetist, 3037
clinical nurse specialist, certified nurse-midwife, or certified 3038
nurse practitioner has been issued to any person specified 3039
therein, or that a certificate, if issued, has been revoked or 3040
suspended, shall be received as prima-facie evidence of the record 3041
in any court or before any officer of the state. 3042

Sec. 4723.48. (A) A clinical nurse specialist, certified 3043
nurse-midwife, or certified nurse practitioner seeking authority 3044
to prescribe drugs and therapeutic devices shall file with the 3045
board of nursing a written application for a certificate to 3046
prescribe. The board of nursing shall issue a certificate to 3047
prescribe to each applicant who meets the requirements specified 3048
in section 4723.482 or 4723.485 of the Revised Code. 3049

Except as provided in division (B) of this section, the 3050

initial certificate to prescribe that the board issues to an 3051
applicant shall be issued as an externship certificate. Under an 3052
externship certificate, the nurse may obtain experience in 3053
prescribing drugs and therapeutic devices by participating in an 3054
externship that evaluates the nurse's competence, knowledge, and 3055
skill in pharmacokinetic principles and their clinical application 3056
to the specialty being practiced. During the externship, the nurse 3057
may prescribe drugs and therapeutic devices only when one or more 3058
physicians are providing supervision in accordance with rules 3059
adopted under section 4723.50 of the Revised Code. 3060

After completing the externship, the holder of an externship 3061
certificate may apply for a new certificate to prescribe. On 3062
receipt of the new certificate, the nurse may prescribe drugs and 3063
therapeutic devices in collaboration with one or more physicians 3064
or podiatrists. 3065

~~(B) In the case of an applicant who on May 17, 2000, was 3066
approved to prescribe drugs and therapeutic devices under section 3067
4723.56 of the Revised Code, as that section existed on that date, 3068
the initial certificate to prescribe that the board issues to the 3069
applicant under this section shall not be an externship 3070
certificate. The applicant shall be issued a certificate to 3071
prescribe that permits the recipient to prescribe drugs and 3072
therapeutic devices in collaboration with one or more physicians 3073
or podiatrists. 3074~~

~~In~~ the case of an applicant who meets the requirements of 3075
division (C) of section 4723.482 of the Revised Code, the initial 3076
certificate to prescribe that the board issues to the applicant 3077
under this section shall not be an externship certificate. The 3078
applicant shall be issued a certificate to prescribe that permits 3079
the recipient to prescribe drugs and therapeutic devices in 3080
collaboration with one or more physicians or podiatrists. 3081

Sec. 4723.482. (A) Except as provided in divisions (C) and 3082
(D) of this section, an applicant shall include with the 3083
application submitted under section 4723.48 of the Revised Code 3084
all of the following: 3085

(1) ~~Subject to section 4723.483 of the Revised Code, evidence~~ 3086
Evidence of holding a current, valid certificate of authority 3087
~~issued under this chapter~~ to practice as a clinical nurse 3088
specialist, certified nurse-midwife, or certified nurse 3089
practitioner that was issued by meeting the requirements of 3090
division (A) of section 4723.41 of the Revised Code; 3091

(2) ~~Except for a person who on May 17, 2000, was approved to~~ 3092
~~prescribe drugs and therapeutic devices under section 4723.56 of~~ 3093
~~the Revised Code, as that section existed on that date, evidence~~ 3094
Evidence of successfully completing the instruction in advanced 3095
pharmacology and related topics specified in division (B) of this 3096
section; 3097

(3) The fee required by section 4723.08 of the Revised Code 3098
for a certificate to prescribe; 3099

(4) Any additional information the board of nursing requires 3100
pursuant to rules adopted under section 4723.50 of the Revised 3101
Code. 3102

(B) All of the following apply to the instruction required 3103
under division (A)(2) of this section: 3104

(1) The instruction must be obtained not longer than three 3105
years before the application for the certificate to prescribe is 3106
filed. 3107

(2) The instruction must be obtained through a course of 3108
study consisting of planned classroom and clinical study that is 3109
approved by the board of nursing in accordance with standards 3110
established in rules adopted under section 4723.50 of the Revised 3111

Code.	3112
(3) The content of the instruction must be specific to the applicant's nursing specialty and include all of the following:	3113 3114
(a) A minimum of thirty contact hours of training in advanced pharmacology that includes pharmacokinetic principles and clinical application and the use of drugs and therapeutic devices in the prevention of illness and maintenance of health;	3115 3116 3117 3118
(b) Training in the fiscal and ethical implications of prescribing drugs and therapeutic devices;	3119 3120
(c) Training in the state and federal laws that apply to the authority to prescribe;	3121 3122
(d) Any additional training required pursuant to rules adopted under section 4723.50 of the Revised Code.	3123 3124
(C) An applicant who practiced or is practicing as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner in another jurisdiction or as an employee of the United States government, and is not seeking authority to prescribe drugs and therapeutic devices by meeting the requirements of division (A) or (D) of this section, shall include with the application submitted under section 4723.48 of the Revised Code all of the following:	3125 3126 3127 3128 3129 3130 3131 3132
(1) Subject to section 4723.483 of the Revised Code, evidence <u>Evidence</u> of holding a current, valid certificate of authority issued under this chapter to practice as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;	3133 3134 3135 3136 3137
(2) The fee required by section 4723.08 of the Revised Code for a certificate to prescribe;	3138 3139
(3) Either of the following:	3140
(a) Evidence of having held, for a continuous period of at	3141

least one year during the three years immediately preceding the 3142
date of application, valid authority issued by another 3143
jurisdiction to prescribe therapeutic devices and drugs, including 3144
at least some controlled substances; 3145

(b) Evidence of having been employed by the United States 3146
government and authorized, for a continuous period of at least one 3147
year during the three years immediately preceding the date of 3148
application, to prescribe therapeutic devices and drugs, including 3149
at least some controlled substances, in conjunction with that 3150
employment. 3151

(4) If the applicant includes the evidence described in 3152
division (C)(3)(a) of this section, documentation from a licensed 3153
physician in a form acceptable to the board that the prescribing 3154
component of the nurse's practice was overseen or supervised by a 3155
licensed physician in the other jurisdiction; 3156

(5) If the applicant includes the evidence described in 3157
division (C)(3)(b) of this section, documentation from a licensed 3158
physician employed by the United States government in a form 3159
acceptable to the board that the prescribing component of the 3160
nurse's practice was overseen or supervised by a licensed 3161
physician employed by the United States government; 3162

(6) Evidence of having completed a two-hour course of 3163
instruction approved by the board in the laws of this state that 3164
govern drugs and prescriptive authority; 3165

(7) Any additional information the board requires pursuant to 3166
rules adopted under section 4723.50 of the Revised Code. 3167

(D) An applicant who practiced or is practicing as a clinical 3168
nurse specialist, certified nurse-midwife, or certified nurse 3169
practitioner in another jurisdiction or as an employee of the 3170
United States government, and is not seeking authority to 3171
prescribe drugs and therapeutic devices by meeting the 3172

requirements of division (A) or (C) of this section, shall include 3173
with the application submitted under section 4723.48 of the 3174
Revised Code all of the following: 3175

(1) ~~Subject to section 4723.483 of the Revised Code, evidence~~ 3176
Evidence of holding a current, valid certificate of authority 3177
issued under this chapter to practice as a clinical nurse 3178
specialist, certified nurse-midwife, or certified nurse 3179
practitioner; 3180

(2) The fee required by section 4723.08 of the Revised Code 3181
for a certificate to prescribe; 3182

(3) Either of the following: 3183

(a) Evidence of having held, for a continuous period of at 3184
least one year during the three years immediately preceding the 3185
date of application, valid authority issued by another 3186
jurisdiction to prescribe therapeutic devices and drugs, excluding 3187
controlled substances; 3188

(b) Evidence of having been employed by the United States 3189
government and authorized, for a continuous period of at least one 3190
year during the three years immediately preceding the date of 3191
application, to prescribe therapeutic devices and drugs, excluding 3192
controlled substances, in conjunction with that employment. 3193

(4) If the applicant includes the evidence described in 3194
division (D)(3)(a) of this section, documentation from a licensed 3195
physician in a form acceptable to the board that the prescribing 3196
component of the nurse's practice was overseen or supervised by a 3197
licensed physician in the other jurisdiction; 3198

(5) If the applicant includes the evidence described in 3199
division (D)(3)(b) of this section, documentation from a licensed 3200
physician employed by the United States government in a form 3201
acceptable to the board that the prescribing component of the 3202
nurse's practice was overseen or supervised by a licensed 3203

physician employed by the United States government; 3204

(6) Any additional information the board requires pursuant to 3205
rules adopted under section 4723.50 of the Revised Code. 3206

Sec. 4723.61. As used in this section and in sections ~~4723.62~~ 3207
~~4723.64~~ to 4723.69 of the Revised Code: 3208

(A) "Medication" means a drug, as defined in section 4729.01 3209
of the Revised Code. 3210

(B) "Medication error" means a failure to follow the 3211
prescriber's instructions when administering a prescription 3212
medication. 3213

(C) "Nursing home" and "residential care facility" have the 3214
same meanings as in section 3721.01 of the Revised Code. 3215

(D) "Prescription medication" means a medication that may be 3216
dispensed only pursuant to a prescription. 3217

(E) "Prescriber" and "prescription" have the same meanings as 3218
in section 4729.01 of the Revised Code. 3219

Sec. 4723.64. ~~On and after the thirty first day following the~~ 3220
~~board of nursing's submission of the report required by division~~ 3221
~~(F)(2) of section 4723.63 of the Revised Code, any~~ A nursing home 3222
or residential care facility may use one or more medication aides 3223
to administer prescription medications to its residents, subject 3224
to both of the following conditions: 3225

(A) Each individual used as a medication aide must hold a 3226
current, valid medication aide certificate issued by the board of 3227
nursing under this chapter. 3228

(B) The nursing home or residential care facility shall 3229
ensure that the requirements of section 4723.67 of the Revised 3230
Code are met. 3231

Sec. 4723.65. ~~(A)~~ An individual seeking certification as a medication aide shall apply to the board of nursing on a form prescribed and provided by the board. ~~If the~~ The application ~~is submitted on or after the day any nursing home or residential care facility may initially use medication aides as specified in section 4723.64 of the Revised Code,~~ the application shall be accompanied by the certification fee established in rules adopted under section 4723.69 of the Revised Code.

~~(B)(1) Except as provided in division (B)(2) of this section, an applicant for a medication aide certificate shall submit a request to the bureau of criminal identification and investigation for a criminal records check. The request shall be on the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and shall be accompanied by a standard impression sheet to obtain fingerprints prescribed pursuant to division (C)(2) of that section. The request shall also be accompanied by the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code. On receipt of the completed form, the completed impression sheet, and the fee, the bureau shall conduct a criminal records check of the applicant. On completion of the criminal records check, the bureau shall send the results of the check to the board. An applicant requesting a criminal records check under this division who has not lived in this state for at least five years shall ask the superintendent of the bureau of criminal identification and investigation to also request that the federal bureau of investigation provide the superintendent with any information it has with respect to the applicant.~~

~~(2) If a criminal records check of an applicant was completed pursuant to section 3721.121 of the Revised Code not more than five years prior to the date the application is submitted, the applicant may include a certified copy of the criminal records check completed pursuant to that section and is not required to~~

~~comply with division (B)(1) of this section.~~ 3264

~~(3) A criminal records check provided to the board in accordance with division (B)(1) or (B)(2) of this section shall not be made available to any person or for any purpose other than the following:~~ 3265
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~~(a) The results may be made available to any person for use in determining whether the individual who is the subject of the check should be issued a medication aide certificate.~~ 3269
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~~(b) The results may be made available to the person who is the subject of the check or a representative of that person.~~ 3272
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Sec. 4723.651. (A) To be eligible to receive a medication aide certificate, an applicant shall meet all of the following conditions: 3274
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(1) Be at least eighteen years of age; 3277

(2) Have a high school diploma or a high school equivalence diploma as defined in section 5107.40 of the Revised Code; 3278
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(3) If the applicant is to practice as a medication aide in a nursing home, be a nurse aide who satisfies the requirements of division (A)(1), (2), (3), (4), (5), (6), or (8) of section 3721.32 of the Revised Code; 3280
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(4) If the applicant is to practice as a medication aide in a residential care facility, be a nurse aide who satisfies the requirements of division (A)(1), (2), (3), (4), (5), (6), or (8) of section 3721.32 of the Revised Code or an individual who has at least one year of direct care experience in a residential care facility; 3284
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(5) Successfully complete the course of instruction provided by a training program approved by the board under section 4723.66 of the Revised Code; 3290
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(6) ~~Have results on the criminal records check provided to the board under division (B)(1) or (2) of section 4723.65 of the Revised Code indicating that the applicant has not been convicted of, has not pleaded guilty to, and has not had a judicial finding of guilt for violating section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, or 2911.11 of the Revised Code or a substantially similar law of another state, the United States, or another country~~ Not be ineligible for licensure or certification as specified in section 4723.092 of the Revised Code;

(7) Have not committed any act that is grounds for disciplinary action under section 3123.47 or 4723.28 of the Revised Code or be determined by the board to have made restitution, been rehabilitated, or both;

(8) Not be required to register under Chapter 2950. of the Revised Code or a substantially similar law of another state, the United States, or another country;

(9) Meet all other requirements for a medication aide certificate established in rules adopted under section 4723.69 of the Revised Code.

(B) If an applicant meets the requirement specified in division (A) of this section, the board shall issue a medication aide certificate to the applicant. If a medication aide certificate is issued to an individual on the basis of having at least one year of direct care experience working in a residential care facility, as provided in division (A)(4) of this section, the certificate is valid for use only in a residential care facility. The board shall state the limitation on the certificate issued to the individual.

(C) A medication aide certificate is valid for two years, unless earlier suspended or revoked. The certificate may be

renewed in accordance with procedures specified by the board in 3324
rules adopted under section 4723.69 of the Revised Code. To be 3325
eligible for renewal, an applicant shall pay the renewal fee 3326
established in the rules and meet all renewal qualifications 3327
specified in the rules. 3328

Sec. 4723.652. (A) The board of nursing, by vote of a quorum, 3329
may impose one or more of the following sanctions against any 3330
individual who applies for, or holds, a medication aide 3331
certificate: deny, revoke, suspend, or place restrictions on the 3332
certificate; reprimand or otherwise discipline the holder of a 3333
medication aide certificate; or impose a fine of not more than 3334
five hundred dollars per violation. The sanctions may be imposed 3335
for any of the reasons specified in division (A) or (B) of section 3336
4723.28 of the Revised Code, to the extent that those reasons are 3337
applicable to medication aides or applicants as specified in rules 3338
adopted under section 4723.69 of the Revised Code. 3339

(B) Disciplinary actions taken by the board under this 3340
section shall be taken pursuant to an adjudication conducted under 3341
Chapter 119. of the Revised Code, except that in lieu of a 3342
hearing, the board may enter into a consent agreement with an 3343
individual to resolve an allegation of a violation of this chapter 3344
or any rule adopted under it. A consent agreement, when ratified 3345
by vote of a quorum, shall constitute the findings and order of 3346
the board with respect to the matter addressed in the agreement. 3347
If the board refuses to ratify a consent agreement, the admissions 3348
and findings contained in the agreement shall be of no effect. 3349

(C) In taking actions under this section, the board has the 3350
same powers and duties that it has when taking actions under 3351
section 4723.28 of the Revised Code. In addition, the board may 3352
issue an order to summarily suspend or automatically suspend a 3353
medication aide certificate in the same manner that the board is 3354

authorized to take those actions under section 4723.281 of the Revised Code.

Sec. 4723.653. (A) No person shall engage in the administration of medication as a medication aide, represent the person as being a certified medication aide, or use the title, "medication aide," or any other title implying that the person is a certified medication aide, for a fee, salary, or other compensation, or as a volunteer, without holding a current, valid certificate as a medication aide under this chapter.

(B) No person shall employ a person not certified as a medication aide under this chapter to engage in the administration of medication as a medication aide.

Sec. 4723.66. (A) A person or government entity seeking approval to provide a medication aide training program shall apply to the board of nursing on a form prescribed and provided by the board. ~~If the application is submitted on or after the day any nursing home or residential care facility may initially use medication aides as specified in section 4723.64 of the Revised Code, the~~ The application shall be accompanied by the fee established in rules adopted under section 4723.69 of the Revised Code.

(B) The board shall approve the applicant to provide a medication aide training program if the content of the course of instruction to be provided by the program meets the standards specified by the board in rules adopted under section 4723.69 of the Revised Code and includes all of the following:

(1) At least seventy clock-hours of instruction, including both classroom instruction on medication administration and at least twenty clock-hours of supervised clinical practice in medication administration;

(2) A mechanism for evaluating whether an individual's 3385
reading, writing, and mathematical skills are sufficient for the 3386
individual to be able to administer prescription medications 3387
safely; 3388

(3) An examination that tests the ability to administer 3389
prescription medications safely and that meets the requirements 3390
established by the board in rules adopted under section 4723.69 of 3391
the Revised Code. 3392

(C) The board may deny, suspend, or revoke the approval 3393
granted to the provider of a medication aide training program for 3394
reasons specified in rules adopted under section 4723.69 of the 3395
Revised Code. All actions taken by the board to deny, suspend, or 3396
revoke the approval of a training program shall be taken in 3397
accordance with Chapter 119. of the Revised Code. 3398

Sec. 4723.67. (A) Except for the prescription medications 3399
specified in division (C) of this section and the methods of 3400
medication administration specified in division (D) of this 3401
section, a medication aide who holds a current, valid medication 3402
aide certificate issued under this chapter may administer 3403
prescription medications to the residents of nursing homes and 3404
residential care facilities that use medication aides pursuant to 3405
section ~~4723.63~~ or 4723.64 of the Revised Code. A medication aide 3406
shall administer prescription medications only pursuant to the 3407
delegation of a registered nurse or a licensed practical nurse 3408
acting at the direction of a registered nurse. 3409

Delegation of medication administration to a medication aide 3410
shall be carried out in accordance with the rules for nursing 3411
delegation adopted under this chapter by the board of nursing. A 3412
nurse who has delegated to a medication aide responsibility for 3413
the administration of prescription medications to the residents of 3414
a nursing home or residential care facility shall not withdraw the 3415

delegation on an arbitrary basis or for any purpose other than 3416
patient safety. 3417

(B) In exercising the authority to administer prescription 3418
medications pursuant to nursing delegation, a medication aide may 3419
administer prescription medications in any of the following 3420
categories: 3421

(1) Oral medications; 3422

(2) Topical medications; 3423

(3) Medications administered as drops to the eye, ear, or 3424
nose; 3425

(4) Rectal and vaginal medications; 3426

(5) Medications prescribed with a designation authorizing or 3427
requiring administration on an as-needed basis, but only if a 3428
nursing assessment of the patient is completed before the 3429
medication is administered. 3430

(C) A medication aide shall not administer prescription 3431
medications in either of the following categories: 3432

(1) Medications containing a schedule II controlled 3433
substance, as defined in section 3719.01 of the Revised Code; 3434

(2) Medications requiring dosage calculations. 3435

(D) A medication aide shall not administer prescription 3436
medications by any of the following methods: 3437

(1) Injection; 3438

(2) Intravenous therapy procedures; 3439

(3) Splitting pills for purposes of changing the dose being 3440
given. 3441

(E) A nursing home or residential care facility that uses 3442
medication aides shall ensure that medication aides do not have 3443
access to any schedule II controlled substances within the home or 3444

facility for use by its residents. 3445

Sec. 4723.68. (A) A registered nurse, or licensed practical 3446
nurse acting at the direction of a registered nurse, who delegates 3447
medication administration to a medication aide who holds a 3448
current, valid medication aide certificate issued under this 3449
chapter is not liable in damages to any person or government 3450
entity in a civil action for injury, death, or loss to person or 3451
property that allegedly arises from an action or omission of the 3452
medication aide in performing the medication administration, if 3453
the delegating nurse delegates the medication administration in 3454
accordance with this chapter and the rules adopted under this 3455
chapter. 3456

(B) A person employed by a nursing home or residential care 3457
facility that uses medication aides pursuant to section ~~4723.63 or~~ 3458
4723.64 of the Revised Code who reports in good faith a medication 3459
error at the nursing home or residential care facility is not 3460
subject to disciplinary action by the board of nursing or any 3461
other government entity regulating that person's professional 3462
practice and is not liable in damages to any person or government 3463
entity in a civil action for injury, death, or loss to person or 3464
property that allegedly results from reporting the medication 3465
error. 3466

Sec. 4723.69. (A) ~~In consultation with the medication aide~~ 3467
~~advisory council created under section 4723.62 of the Revised~~ 3468
~~Code, the~~ The board of nursing shall adopt rules to implement 3469
sections 4723.61 to 4723.68 of the Revised Code. ~~Initial rules~~ 3470
~~shall be adopted not later than February 1, 2006.~~ All rules 3471
adopted under this section shall be adopted in accordance with 3472
Chapter 119. of the Revised Code. 3473

(B) The rules adopted under this section shall establish or 3474

specify all of the following: 3475

(1) Fees, in an amount sufficient to cover the costs the 3476
board incurs in implementing sections 4723.61 to 4723.68 of the 3477
Revised Code, for ~~participation in the medication aide pilot~~ 3478
~~program~~, certification as a medication aide, and approval of a 3479
medication aide training program; 3480

(2) Requirements to obtain a medication aide certificate that 3481
are not otherwise specified in section 4723.651 of the Revised 3482
Code; 3483

(3) Procedures for renewal of medication aide certificates; 3484

(4) The extent to which the board determines that the reasons 3485
for taking disciplinary actions under section 4723.28 of the 3486
Revised Code are applicable reasons for taking disciplinary 3487
actions under section 4723.652 of the Revised Code against an 3488
applicant for or holder of a medication aide certificate; 3489

(5) ~~Standards for approval of peer support programs for the~~ 3490
~~holders of medication aide certificates;~~ 3491

~~(6)~~ Standards for medication aide training programs, 3492
including the examination to be administered by the training 3493
program to test an individual's ability to administer prescription 3494
medications safely; 3495

(6) Standards for approval of continuing education programs 3496
and courses for medication aides; 3497

(7) Reasons for denying, revoking, or suspending approval of 3498
a medication aide training program; 3499

(8) Other standards and procedures the board considers 3500
necessary to implement sections 4723.61 to 4723.68 of the Revised 3501
Code. 3502

Sec. 4723.71. (A) There is hereby established, under the 3503

board of nursing, the advisory group on dialysis. The advisory 3504
group shall advise the board of nursing regarding the 3505
qualifications, standards for training, and competence of dialysis 3506
technicians and dialysis technician interns and all other related 3507
matters ~~related to dialysis technicians~~. The advisory group shall 3508
consist of the members appointed under divisions (B) and (C) of 3509
this section. A member of the board of nursing or a representative 3510
appointed by the board shall serve as chairperson of all meetings 3511
of the advisory group. 3512

(B) The board of nursing shall appoint the following as 3513
members of the advisory group: 3514

(1) Four dialysis technicians; 3515

(2) A registered nurse who regularly performs dialysis and 3516
cares for patients who receive dialysis; 3517

(3) A physician, recommended by the state medical board, who 3518
specializes in nephrology; 3519

(4) An administrator of a dialysis center; 3520

(5) A dialysis patient; 3521

(6) A representative of the ~~association for hospitals and~~ 3522
~~health systems (OHA)~~ Ohio hospital association; 3523

(7) A representative from the end-stage renal disease 3524
network, as defined in 42 C.F.R. 405.2102. 3525

(C) The members of the advisory group appointed under 3526
division (B) of this section may recommend additional persons to 3527
serve as members of the advisory group. The board of nursing may 3528
appoint, as appropriate, any of the additional persons 3529
recommended. 3530

(D) The board of nursing shall specify the terms for the 3531
advisory group members. Members shall serve at the discretion of 3532
the board of nursing. Members shall receive their actual and 3533

necessary expenses incurred in the performance of their official 3534
duties. 3535

(E) Sections 101.82 to 101.87 of the Revised Code do not 3536
apply to the advisory group. 3537

Sec. 4723.72. (A) A dialysis technician or dialysis 3538
technician intern may engage in dialysis care by doing the 3539
following: 3540

(1) Performing and monitoring dialysis procedures, including 3541
initiating, monitoring, and discontinuing dialysis; 3542

(2) Drawing blood; 3543

(3) Administering ~~any of the~~ medications as specified in 3544
division (C) of this section when the administration is essential 3545
to the dialysis process; 3546

(4) Responding to complications that arise during dialysis. 3547

(B) ~~A~~ (1) Subject to divisions (B)(2) and (3) of this 3548
section, a dialysis technician or dialysis technician intern may 3549
provide the dialysis care specified in division (A) of this 3550
section only if the care has been delegated to the technician or 3551
intern by a physician or registered nurse and the technician or 3552
intern is under the supervision of a physician or registered 3553
nurse. Supervision requires that the dialysis technician or 3554
dialysis technician intern be in the immediate presence of a 3555
physician or registered nurse, ~~or, in.~~ 3556

(2) In accordance with division (E) of section 4723.73 of the 3557
Revised Code, a dialysis technician intern shall not provide 3558
dialysis care in a patient's home. 3559

(3) In the case of dialysis care provided in a patient's home 3560
by a dialysis technician, that the dialysis both of the following 3561
apply: 3562

(a) The technician shall be supervised in accordance with the 3563
rules adopted under section 4723.79 of the Revised Code for 3564
supervision of dialysis technicians who provide dialysis care in a 3565
patient's home. ~~Division (E)~~ 3566

(b) Division (D)(5) of section 4723.73 of the Revised Code 3567
does not allow a dialysis technician who provides dialysis care in 3568
a patient's home to provide dialysis care that is not authorized 3569
under this section. 3570

(C) A dialysis technician or dialysis technician intern may 3571
administer ~~medication~~ only the following medications as ordered by 3572
a licensed health professional authorized to prescribe drugs as 3573
defined in section 4729.01 of the Revised Code and in accordance 3574
with the standards for the delegation of dialysis care established 3575
in division (B) of this section and in rules adopted under section 3576
4723.79 of the Revised Code. ~~A dialysis technician may administer~~ 3577
~~only the following medications:~~ 3578

(1) Intradermal lidocaine or other single therapeutically 3579
equivalent local anesthetic for the purpose of initiating dialysis 3580
treatment; 3581

(2) Intravenous heparin or other single therapeutically 3582
equivalent anticoagulant for the purpose of initiating and 3583
maintaining dialysis treatment; 3584

(3) Intravenous normal saline; 3585

(4) Patient-specific dialysate, to which the ~~person~~ 3586
technician or intern may add electrolytes but no other additives 3587
or medications; 3588

(5) ~~Oxygen, when the administration of the oxygen has been~~ 3589
~~delegated to the technician by a registered nurse.~~ 3590

Sec. 4723.73. (A) No person ~~shall claim to the public to be a~~ 3591
~~dialysis technician unless the person holds~~ who does not hold a 3592

current, valid certificate issued under section 4723.75 or renewed 3593
under section 4723.77 ~~or a current, valid temporary certificate~~ 3594
~~issued under section 4723.76~~ of the Revised Code. shall do either 3595
of the following: 3596

(1) Claim to the public to be a dialysis technician; 3597

~~(B) No person shall use~~ (2) Use the title "Ohio certified 3598
dialysis technician," the initials "OCDT," or any other title or 3599
initials to represent that the person is authorized to perform 3600
dialysis care as a ~~fully certified~~ dialysis technician, ~~unless the~~ 3601
~~person holds a current, valid certificate issued under section~~ 3602
~~4723.75 or renewed under section 4723.77 of the Revised Code.~~ 3603

~~(C)~~(B) No person who does not hold a current, valid dialysis 3604
technician intern certificate issued under section 4723.76 of the 3605
Revised Code shall use any do either of the following: 3606

(1) Claim to the public to be a dialysis technician intern; 3607

(2) Use the title ~~or~~ "dialysis technician intern," the 3608
initials "DTI," or any other title or initials to represent that 3609
the person is authorized to perform dialysis care as a ~~temporarily~~ 3610
~~certified~~ dialysis technician, ~~unless the person holds a current,~~ 3611
~~valid temporary certificate issued under section 4723.76 of the~~ 3612
~~Revised Code~~ intern. 3613

~~(D)~~(C) No dialysis technician or dialysis technician intern 3614
shall engage in dialysis care in a manner that is inconsistent 3615
with section 4723.72 of the Revised Code. 3616

~~(E)~~(D) No person other than a dialysis technician or dialysis 3617
technician intern shall engage in the dialysis care that is 3618
authorized by section 4723.72 of the Revised Code, unless the 3619
person is one or more of the following ~~applies:~~ 3620

(1) ~~The person is a~~ A registered nurse or licensed practical 3621
nurse. ~~i~~ 3622

(2) The person is a A physician; <i>i</i>	3623
(3) The person is a A student performing dialysis care under the supervision of an instructor as an integral part of a dialysis training program approved by the board of nursing under section 4723.74 of the Revised Code; <i>i</i>	3624 3625 3626 3627
(4) The person is a A dialysis patient who has been trained to engage in the dialysis care with little or no professional assistance by completing a medicare-approved self-dialysis or home dialysis training program; <i>i</i>	3628 3629 3630 3631
(5) The person is a A family member or friend of a dialysis patient who engages in self-dialysis or home dialysis, and the person engages in the dialysis care by assisting the patient in performing the self-dialysis or home dialysis, after the person providing the assistance has completed a medicare-approved self-dialysis or home dialysis training program for the particular dialysis patient being assisted.	3632 3633 3634 3635 3636 3637 3638
<u>(E) No dialysis technician intern shall do either of the following:</u>	3639 3640
<u>(1) Serve as a trainer or preceptor in a dialysis training program;</u>	3641 3642
<u>(2) Provide dialysis care in a patient's home.</u>	3643
(F) No person shall operate a dialysis training program, unless the program is approved by the board of nursing under section 4723.74 of the Revised Code.	3644 3645 3646
Sec. 4723.74. (A) A person who seeks to operate a dialysis training program shall apply to the board of nursing for approval of the program. Applications shall be submitted in accordance with rules adopted under section 4723.79 of the Revised Code. The person shall include with the application the fee prescribed in those rules. If the program meets the requirements for approval as	3647 3648 3649 3650 3651 3652

specified in the rules, the board shall approve the program. A 3653
program shall apply for reapproval and may be reapproved in 3654
accordance with rules adopted under section 4723.79 of the Revised 3655
Code. 3656

(B) The board may place on provisional approval, for a period 3657
of time it specifies, a dialysis training program that has ceased 3658
to meet and maintain the minimum standards of the board 3659
established by rules adopted under section 4723.79 of the Revised 3660
Code. Prior to or at the end of the period, the board shall 3661
reconsider whether the program meets the standards. The board 3662
shall grant full approval if the program meets the standards. If 3663
the program does not meet the standards, the board may withdraw 3664
approval in accordance with division (C) of this section. 3665

(C) The board may withdraw the approval of a program that 3666
ceases to meet the requirements for approval. Any action to 3667
withdraw the approval shall be taken in accordance with Chapter 3668
119. of the Revised Code. 3669

~~(B) A person~~ (D) An individual shall not be permitted to 3670
enroll, and shall not enroll, in a dialysis training program 3671
approved by the board under ~~division (A) of~~ this section unless 3672
the ~~person~~ individual is eighteen years of age or older and 3673
possesses a high school diploma or high school equivalence 3674
diploma. 3675

Sec. 4723.75. (A) The board of nursing shall issue a 3676
certificate to practice as a dialysis technician to ~~a person~~ an 3677
applicant who meets ~~all of~~ the following applicable requirements: 3678

(1) For all ~~persons~~ applicants, the ~~person~~ applies 3679
application is submitted to the board in accordance with rules 3680
adopted under section 4723.79 of the Revised Code and includes 3681
~~with the application~~ the both of the following: 3682

(a) The fee established in those rules adopted under section 4723.79 of the Revised Code; 3683
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(b) The name and address of each approved dialysis training program in which the applicant has enrolled and the dates during which the applicant was enrolled in each program. 3685
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(2) For all ~~persons~~ applicants, the ~~person~~ applicant meets the requirements established by the board's rules. 3688
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(3) For all ~~persons~~ applicants, the ~~person~~ applicant demonstrates competency to practice as a dialysis technician, as specified ~~under~~ in division (B) of this section. 3690
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(4) For ~~persons~~ applicants who entered a dialysis training program on or after June 1, 2003, the results of a criminal records check of the person that is completed by the bureau of eriminal identification and investigation and includes a check of federal bureau of investigation records and that the bureau submits to the board indicates that the person has not been convicted of, has not pleaded guilty to, and has not had a judicial finding of guilt for violating section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, or 2911.11 of the Revised Code or a substantially similar law of another state, the United States, or another country conducted in accordance with section 4723.091 of the Revised Code demonstrate that the applicant is not ineligible for certification as specified in section 4723.092 of the Revised Code. 3693
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(B) For a ~~person~~ an applicant to demonstrate competence to practice as a dialysis technician, one of the following must apply: 3707
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(1) The ~~person~~ meets all of the following requirements: 3710

~~(a) The person~~ applicant has successfully completed a dialysis training program approved by the board under section 4723.74 of the Revised Code. 3711
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3713

~~(b) The person has been employed to perform and meets both of~~ 3714
~~the following requirements:~~ 3715

~~(a) Has performed dialysis care by for a dialysis provider~~ 3716
~~for not less than twelve months immediately prior to the date of~~ 3717
~~application.~~ 3718

~~(c) The person passes;~~ 3719

~~(b) Has passed a certification examination demonstrating~~ 3720
~~competence to perform dialysis care. The person must pass the~~ 3721
~~examination not later than eighteen months after entering~~ 3722
~~successfully completing a dialysis training program approved by~~ 3723
~~the board under section 4723.74 of the Revised Code. A person who~~ 3724
~~does not pass the examination within eighteen months after~~ 3725
~~entering a dialysis training program must repeat and successfully~~ 3726
~~complete the training program, or successfully complete another~~ 3727
~~dialysis training program approved by the board, and pass the~~ 3728
~~examination not less than six months after entering the new or~~ 3729
~~repeated program. A person who does not pass the examination~~ 3730
~~within six months after entering the new or repeated program must~~ 3731
~~wait at least one year before entering or reentering any dialysis~~ 3732
~~training program approved by the board, after which the person~~ 3733
~~must successfully complete a dialysis training program approved by~~ 3734
~~the board and pass the examination not later than six months after~~ 3735
~~entering the program.~~ 3736

~~(2) The person meets both of the following requirements:~~ 3737

~~(a) The person holds, on December 24, 2000, a current, valid~~ 3738
~~certificate from a qualifying testing organization specified by~~ 3739
~~the board under division (B) of section 4723.751 of the Revised~~ 3740
~~Code or provides evidence satisfactory to the board of having~~ 3741
~~passed the examination of a qualifying testing organization not~~ 3742
~~longer than five years prior to December 24, 2000.~~ 3743

~~(b) The dialysis provider who employs the person provides the~~ 3744

~~board with the information specified in rules adopted under 3745
section 4723.79 of the Revised Code attesting to the person's 3746
competence to perform dialysis care. 3747~~

~~(3) The person submits evidence satisfactory to the board 3748
that the person holds a current, valid license, certificate, or 3749
other authorization to perform dialysis care issued by another 3750
state that has standards for dialysis technicians that the board 3751
considers substantially similar to those established under 3752
sections 4723.71 to 4723.79 of the Revised Code applicant does all 3753
of the following: 3754~~

~~(a) Has a testing organization approved by the board submit 3755
evidence satisfactory to the board that the applicant passed an 3756
examination, in another jurisdiction, that demonstrates the 3757
applicant's competence to provide dialysis care; 3758~~

~~(b) Submits evidence satisfactory to the board that the 3759
applicant has been employed to perform dialysis care in another 3760
jurisdiction for not less than twelve months immediately prior to 3761
the date of application for certification under this section; 3762~~

~~(c) Submits evidence satisfactory to the board that the 3763
applicant completed at least two hours of education directly 3764
related to this chapter and the rules adopted under it. 3765~~

~~(C) A person who applies under this section to be certified 3766
to practice as a dialysis technician shall submit a request to the 3767
bureau of criminal identification and investigation for a criminal 3768
records check of the applicant. The request shall be on the form 3769
prescribed pursuant to division (C)(1) of section 109.572, 3770
accompanied by a standard impression sheet to obtain fingerprints 3771
prescribed pursuant to division (C)(2) of that section, and 3772
accompanied by the fee prescribed pursuant to division (C)(3) of 3773
that section. Upon receipt of the completed form, the completed 3774
impression sheet, and the fee, the bureau shall conduct a criminal 3775~~

~~records check of the applicant. Upon completion of the criminal 3776
records check, the bureau shall send the results of the check to 3777
the board. A person requesting a criminal records check under this 3778
division shall ask the superintendent of the bureau of criminal 3779
identification and investigation to also request the federal 3780
bureau of investigation to provide the superintendent with any 3781
information it has with respect to the person. 3782~~

~~The results of any criminal records check conducted pursuant 3783
to a request made under this section, and any report containing 3784
those results, are not public records for purposes of section 3785
149.43 of the Revised Code and shall not be made available to any 3786
person or for any purpose other than the following: 3787~~

~~(1) The results may be made available to any person for use 3788
in determining under this section and division (N) of section 3789
4723.28 of the Revised Code whether the individual who is the 3790
subject of the check should be issued a certificate to practice as 3791
a dialysis technician. 3792~~

~~(2) The results may be made available to the individual who 3793
is the subject of the check or that individual's representative. 3794
An applicant who does not pass the certification examination 3795
described in division (B)(1)(b) of this section within the time 3796
period prescribed in that division may continue to pursue 3797
certification by repeating the entire training and application 3798
process, including doing all of the following: 3799~~

~~(1) Enrolling in and successfully completing a dialysis 3800
training program approved by the board; 3801~~

~~(2) Submitting a request to the bureau of criminal 3802
identification and investigation for a criminal records check and 3803
check of federal bureau of investigation records pursuant to 3804
section 4723.091 of the Revised Code; 3805~~

~~(3) Submitting an application for a dialysis technician 3806~~

intern certificate in accordance with section 4723.76 of the 3807
Revised Code; 3808

(4) Demonstrating competence to perform dialysis care in 3809
accordance with division (B) of this section. 3810

Sec. 4723.751. ~~(A)~~ The board of nursing shall either conduct 3811
dialysis technician certification examinations itself or, in 3812
accordance with rules adopted under section 4723.79 of the Revised 3813
Code, approve testing organizations to conduct the examinations. 3814
If it conducts the examinations, the board may use all or part of 3815
a standard examination created by a testing organization approved 3816
by the board. Regardless of who conducts it, the examination shall 3817
cover all of the subjects specified in rules adopted under section 3818
4723.79 of the Revised Code. 3819

~~(B) The board shall specify the testing organizations that~~ 3820
~~qualify a person to demonstrate competence to practice as a~~ 3821
~~dialysis technician pursuant to division (B)(2) of section 4723.75~~ 3822
~~of the Revised Code.~~ 3823

Sec. 4723.76. (A) The board of nursing shall issue a 3824
~~temporary~~ certificate to practice as a dialysis technician intern 3825
~~to a person~~ an applicant who has not passed the dialysis 3826
technician certification examination required by section 4723.751 3827
of the Revised Code, but who ~~meets~~ satisfies all of the following 3828
requirements: 3829

(1) ~~The person applies~~ Applies to the board in accordance 3830
with rules adopted under section 4723.79 of the Revised Code and 3831
includes with the application ~~the~~ both of the following: 3832

(a) The fee established in those rules adopted under section 3833
4723.79 of the Revised Code; 3834

(b) The name and address of all dialysis training programs 3835
approved by the board in which the applicant has been enrolled and 3836

the dates of enrollment in each program. 3837

(2) ~~The person provides~~ Provides documentation from the 3838
~~person's applicant's~~ employer ~~that demonstrates~~ attesting that the 3839
~~person applicant~~ is competent to perform dialysis care. i 3840

(3) ~~One of the following applies:~~ 3841

(a) ~~The person has~~ Has successfully completed a dialysis 3842
training program approved by the board of nursing under section 3843
4723.74 of the Revised Code. 3844

(b) ~~The person is, on December 24, 2000, employed as a~~ 3845
~~dialysis technician but has been so employed for less than twelve~~ 3846
~~months.~~ 3847

(c) ~~The person has experience as a dialysis technician in a~~ 3848
~~jurisdiction that does not license or certify dialysis technicians~~ 3849
~~and has successfully completed a training program that is~~ 3850
~~substantially similar to a program approved by the board.~~ 3851

(B) A ~~temporary~~ dialysis technician intern certificate issued 3852
to a ~~person~~ an applicant who meets the ~~requirement~~ requirements in 3853
division (A)(3)(a) of this section is valid for a period of time 3854
that is eighteen months from the date on which the ~~holder~~ entered 3855
applicant successfully completed a dialysis training program 3856
approved by the board under section 4723.74 of the Revised Code, 3857
minus the time the applicant was enrolled in one or more dialysis 3858
training programs approved by the board. 3859

~~A temporary certificate issued to a person who meets the~~ 3860
~~requirement in division (A)(3)(b) of this section is valid for the~~ 3861
~~number of months equal to eighteen months minus the number of~~ 3862
~~months the person has been employed as a dialysis technician.~~ 3863

~~A temporary certificate issued to a person who meets the~~ 3864
~~requirement in division (A)(3)(c) of this section and has been~~ 3865
~~working as a dialysis technician for twelve months or longer is~~ 3866

~~valid for six months. A temporary certificate issued to a person 3867
who meets the requirement in division (A)(3)(c) of this section 3868
and has been employed as a dialysis technician for less than 3869
twelve months is valid for the number of months equal to eighteen 3870
months minus the number of months the person has been employed as 3871
a dialysis technician. 3872~~

~~(C) A temporary dialysis technician intern certificate issued 3873
under this section may not be renewed ~~once~~ if the holder enrolls 3874
~~or re-enrolls in a dialysis training program approved by the 3875
board. A temporary certificate that has been renewed is not 3876
renewable. A person holding a temporary certificate shall provide 3877
a copy of the temporary certificate to the dialysis provider who 3878
employs the person. The person shall not act as a trainer or 3879
preceptor in any dialysis training program. 3880~~~~

Sec. 4723.77. A dialysis technician certificate issued under 3881
section 4723.75 of the Revised Code expires biennially and shall 3882
be renewed according to a schedule established by the board of 3883
nursing in rules adopted under section 4723.79 of the Revised 3884
Code. An application for renewal of a dialysis technician 3885
certificate shall be accompanied by the renewal fee established in 3886
rules adopted by the board under section 4723.79 of the Revised 3887
Code. A certificate may be renewed only if, during the period for 3888
which the certificate was issued, the certificate holder satisfied 3889
the continuing education requirements established by the board's 3890
rules. Of the hours of continuing education completed during the 3891
period for which the dialysis technician certificate was issued, 3892
at least one hour of the education must be directly related to the 3893
statutes and rules pertaining to the practice of nursing in this 3894
state or the practice as a dialysis technician in this state. 3895

Sec. 4723.79. The board of nursing shall adopt rules to 3896
administer and enforce sections 4723.71 to 4723.79 of the Revised 3897

Code. The board shall adopt the rules in accordance with Chapter 3898
119. of the Revised Code. The rules shall establish or specify all 3899
of the following: 3900

(A) The application process, fee, and requirements for 3901
approval, reapproval, and withdrawing the approval of a dialysis 3902
training program under section 4723.74 of the Revised Code. The 3903
requirements shall include standards that must be satisfied 3904
regarding curriculum, length of training, and instructions in 3905
patient care. 3906

(B) The application process, fee, and requirements for 3907
issuance of a dialysis technician certificate under section 3908
4723.75 of the Revised Code, except that the amount of the fee 3909
shall be no greater than the fee charged under division (A)(1) of 3910
section 4723.08 of the Revised Code; 3911

(C) The application process, fee, and requirements for 3912
issuance of a ~~temporary~~ dialysis technician intern certificate 3913
under section 4723.76 of the Revised Code; 3914

(D) The process for approval of testing organizations under 3915
section 4723.751 of the Revised Code; 3916

(E) Subjects to be included in a certification examination 3917
~~provided for in division (B)(1) of~~ pursuant to section 4723.75 3918
4723.751 of the Revised Code; 3919

(F) The schedule, fees, and continuing education requirements 3920
for renewal of a dialysis technician certificate under section 3921
4723.77 of the Revised Code, except that the amount of the fee for 3922
~~the renewal of a certificate~~ shall be no greater than the fee 3923
charged under division (A)(~~9~~)(10) of section 4723.08 of the 3924
Revised Code ~~or, effective September 1, 2003, division (A)(10) of~~ 3925
~~that section;~~ 3926

(G) ~~Standards and procedures for establishing and maintaining~~ 3927
~~the dialysis registry required by section 4723.78 of the Revised~~ 3928

~~Code, including standards and procedures that persons must follow 3929
in providing the information to be included in the registry for 3930
approval of continuing education programs and courses for dialysis 3931
technicians; 3932~~

(H) Standards for the administration of medication by 3933
dialysis technicians and dialysis technician interns under section 3934
4723.72 of the Revised Code; 3935

~~(I) The information a dialysis provider is to provide to the 3936
board when attesting to a person's competence to perform dialysis; 3937~~

~~(J) Standards and procedures for the supervision of dialysis 3938
technicians who provide dialysis care in a patient's home, 3939
including monthly home visits by a registered nurse to monitor the 3940
quality of the dialysis care; 3941~~

~~(K)(J) Any other procedures or requirements necessary for the 3942
administration and enforcement of sections 4723.71 to 4723.79 of 3943
the Revised Code. 3944~~

Sec. 4723.83. ~~(A) An individual seeking a community health 3945
worker certificate shall submit an application to the board of 3946
nursing on forms the board shall prescribe and furnish. The 3947
applicant shall include all information the board requires to 3948
process the application. The application shall be accompanied by 3949
the fee established in rules adopted under section 4723.88 of the 3950
Revised Code. 3951~~

~~(B) An applicant for a community health worker certificate 3952
shall submit a request to the bureau of criminal identification 3953
and investigation for a criminal records check of the applicant. 3954
The request shall be on the form prescribed pursuant to division 3955
(C)(1) of section 109.572 of the Revised Code, accompanied by a 3956
standard impression sheet to obtain fingerprints prescribed 3957
pursuant to division (C)(2) of that section, and accompanied by 3958~~

~~the fee prescribed pursuant to division (C)(3) of that section. On receipt of the completed form, the completed impression sheet, and the fee, the bureau shall conduct a criminal records check of the applicant. On completion of the criminal records check, the bureau shall send the results of the check to the board. The applicant shall ask the superintendent of the bureau of criminal identification and investigation to request that the federal bureau of investigation provide the superintendent with any information it has with respect to the applicant.~~

~~The results of any criminal records check conducted pursuant to a request made under this section, and any report containing those results, are not public records for purposes of section 149.43 of the Revised Code and shall not be made available to any person or for any purpose other than the following:~~

~~(1) The results may be made available to any person for use in determining whether the individual who is the subject of the check should be issued a community health worker certificate.~~

~~(2) The results may be made available to the individual who is the subject of the check or that individual's representative.~~

Sec. 4723.84. (A) To be eligible to receive a community health worker certificate, an applicant shall meet all of the following conditions:

(1) Be eighteen years of age or older;

(2) Possess a high school diploma or the equivalent of a high school diploma, as determined by the board;

(3) Except as provided in division (B) of this section, successfully complete a community health worker training program approved by the board under section 4723.87 of the Revised Code;

~~(4) Have results on the criminal records check requested under section 4723.83 of the Revised Code indicating that the~~

~~individual has not been convicted of, has not pleaded guilty to, 3989
and has not had a judicial finding of guilt for violating section 3990
2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 3991
2907.05, 2909.02, 2911.01, or 2911.11 of the Revised Code or a 3992
substantially similar law of another state, the United States, or 3993
another country Not be ineligible for certification as specified 3994
in section 4723.092 of the Revised Code; 3995~~

~~(5) Not have committed any act that is grounds for 3996
disciplinary action under section 3123.47 of the Revised Code or 3997
rules adopted under division (F) of section 4723.88 of the Revised 3998
Code or, if such an act has been committed, be determined by the 3999
board to have made restitution, been rehabilitated, or both; 4000~~

~~(6) Not be required to register under Chapter 2950. of the 4001
Revised Code or a substantially similar law of another state, the 4002
United States, or another country; 4003~~

~~(7) Meet all other requirements the board specifies in rules 4004
adopted under section 4723.88 of the Revised Code. 4005~~

~~(B) In lieu of meeting the condition of completing a 4006
community health worker training program, an applicant may be 4007
issued a community health worker certificate if the individual was 4008
employed in a capacity substantially the same as a community 4009
health worker ~~before the board implemented the certification 4010
program~~ prior to February 1, 2005. To be eligible under this 4011
division, an applicant must meet the requirements specified in 4012
rules adopted by the board under section 4723.88 of the Revised 4013
Code and provide documentation from the employer attesting to the 4014
employer's belief that the applicant is competent to perform 4015
activities as a certified community health worker. 4016~~

Sec. 4723.87. (A) A person or government entity seeking to 4017
operate a training program that prepares individuals to become 4018
certified community health workers shall submit an application to 4019

the board of nursing on forms the board shall prescribe and 4020
furnish. The applicant shall include all information the board 4021
requires to process the application. The application shall be 4022
accompanied by the fee established in rules adopted under section 4023
4723.87 of the Revised Code. 4024

The board shall review all applications received. If an 4025
applicant meets the standards for approval established in the 4026
board's rules adopted under section 4723.88 of the Revised Code, 4027
the board shall approve the program. 4028

(B) The board's approval of a training program expires 4029
biennially and may be renewed in accordance with the schedule and 4030
procedures established by the board in rules adopted under section 4031
4723.88 of the Revised Code. 4032

(C) If an approved community health worker training program 4033
ceases to meet the standards for approval, the board shall 4034
withdraw its approval of the program, refuse to renew its approval 4035
of the program, or place the program on provisional approval. In 4036
withdrawing or refusing to renew its approval, the board shall act 4037
in accordance with Chapter 119. of the Revised Code. In placing a 4038
program on provisional approval, the board shall specify the 4039
period of time during which the provisional approval is valid. ~~At~~ 4040
Prior to or at the end of the period, the board shall reconsider 4041
whether the program meets the standards for approval. If the 4042
program meets the standards for approval, the board shall 4043
reinstate its full approval of the program or renew its approval 4044
of the program. If the program does not meet the standards for 4045
approval, the board shall proceed by withdrawing or refusing to 4046
renew its approval of the program. 4047

Sec. 4723.88. The board of nursing, in accordance with 4048
Chapter 119. of the Revised Code, shall adopt rules to administer 4049
and enforce sections 4723.81 to 4723.87 of the Revised Code. The 4050

rules shall establish all of the following: 4051

(A) Standards and procedures for issuance of community health 4052
worker certificates; 4053

(B) Standards for evaluating the competency of an individual 4054
who applies to receive a certificate on the basis of having been 4055
employed in a capacity substantially the same as a community 4056
health worker before the board implemented the certification 4057
program; 4058

(C) Standards and procedures for renewal of community health 4059
worker certificates, including the continuing education 4060
requirements that must be met for renewal; 4061

(D) Standards governing the performance of activities related 4062
to nursing care that are delegated by a registered nurse to 4063
certified community health workers. In establishing the standards, 4064
the board shall specify limits on the number of certified 4065
community health workers a registered nurse may supervise at any 4066
one time. 4067

(E) Standards and procedures for assessing the quality of the 4068
services that are provided by certified community health workers; 4069

(F) Standards and procedures for denying, suspending, and 4070
revoking a community health worker certificate, including reasons 4071
for imposing the sanctions that are substantially similar to the 4072
reasons that sanctions are imposed under section 4723.28 of the 4073
Revised Code; 4074

(G) Standards and procedures for approving and renewing the 4075
board's approval of training programs that prepare individuals to 4076
become certified community health workers. In establishing the 4077
standards, the board shall specify the minimum components that 4078
must be included in a training program, shall require that all 4079
approved training programs offer the standardized curriculum, and 4080

shall ensure that the curriculum enables individuals to use the 4081
training as a basis for entering programs leading to other 4082
careers, including nursing education programs. 4083

(H) Standards for approval of continuing education programs 4084
and courses for certified community health workers; 4085

(I) Standards and procedures for withdrawing the board's 4086
approval of a training program, refusing to renew the approval of 4087
a training program, and placing a training program on provisional 4088
approval; 4089

~~(I)~~(J) Amounts for each fee that may be imposed under 4090
division (A)~~(25)~~(21) of section 4723.08 of the Revised Code; 4091

~~(J)~~(K) Any other standards or procedures the board considers 4092
necessary and appropriate for the administration and enforcement 4093
of sections 4723.81 to 4723.87 of the Revised Code. 4094

Sec. 4723.99. (A) Except as provided in division (B) of this 4095
section, whoever violates section 4723.03, 4723.44, ~~4723.653~~, or 4096
4723.73 of the Revised Code is guilty of a felony of the fifth 4097
degree on a first offense and a felony of the fourth degree on 4098
each subsequent offense. 4099

(B) ~~A~~ Each of the following is guilty of a minor misdemeanor: 4100

(1) A registered nurse or licensed practical nurse who 4101
violates division (A) or (B) of section 4723.03 of the Revised 4102
Code by reason of a license to practice nursing that has lapsed 4103
for failure to renew or by practicing nursing after a license has 4104
been classified as inactive ~~is guilty of a minor misdemeanor;~~ 4105

(2) A medication aide who violates section 4723.653 of the 4106
Revised Code by reason of a medication aide certificate that has 4107
lapsed for failure to renew or by administering medication as a 4108
medication aide after a certificate has been classified as 4109
inactive. 4110

Sec. 5111.88. (A) As used in sections 5111.88 to 5111.8811 of the Revised Code:

(1) "Adult" means an individual at least eighteen years of age.

(2) "Authorized representative" means the following:

(a) In the case of a consumer who is a minor, the consumer's parent, custodian, or guardian;

(b) In the case of a consumer who is an adult, an individual selected by the consumer pursuant to section 5111.8810 of the Revised Code to act on the consumer's behalf for purposes regarding home care attendant services.

(3) "Authorizing health care professional" means a health care professional who, pursuant to section 5111.887 of the Revised Code, authorizes a home care attendant to assist a consumer with self-administration of medication, nursing tasks, or both.

(4) "Consumer" means an individual to whom all of the following apply:

(a) The individual is enrolled in a participating medicaid waiver component.

(b) The individual has a medically determinable physical impairment to which both of the following apply:

(i) It is expected to last for a continuous period of not less than twelve months.

(ii) It causes the individual to require assistance with activities of daily living, self-care, and mobility, including either assistance with self-administration of medication or the performance of nursing tasks, or both.

(c) In the case of an individual who is an adult, the individual is mentally alert and is, or has an authorized

representative who is, capable of selecting, directing the actions 4140
of, and dismissing a home care attendant. 4141

(d) In the case of an individual who is a minor, the 4142
individual has an authorized representative who is capable of 4143
selecting, directing the actions of, and dismissing a home care 4144
attendant. 4145

(5) "Controlled substance" has the same meaning as in section 4146
3719.01 of the Revised Code. 4147

(6) "Custodian" has the same meaning as in section 2151.011 4148
of the Revised Code. 4149

(7) "Gastrostomy tube" means a percutaneously inserted 4150
catheter that terminates in the stomach. 4151

(8) "Guardian" has the same meaning as in section 2111.01 of 4152
the Revised Code. 4153

(9) "Health care professional" means a physician or 4154
registered nurse. 4155

(10) "Home care attendant" means an individual holding a 4156
valid medicaid provider agreement in accordance with section 4157
5111.881 of the Revised Code that authorizes the individual to 4158
provide home care attendant services to consumers. 4159

(11) "Home care attendant services" means all of the 4160
following as provided by a home care attendant: 4161

(a) Personal care aide services; 4162

(b) Assistance with the self-administration of medication; 4163

(c) Assistance with nursing tasks. 4164

(12) "Jejunostomy tube" means a percutaneously inserted 4165
catheter that terminates in the jejunum. 4166

(13) "Medicaid waiver component" has the same meaning as in 4167
section 5111.85 of the Revised Code. 4168

(14) "Medication" means a drug as defined in section 4729.01 4169
of the Revised Code. 4170

(15) "Minor" means an individual under eighteen years of age. 4171

(16) "Participating medicaid waiver component" means both of 4172
the following: 4173

(a) The medicaid waiver component known as Ohio home care 4174
that the department of job and family services administers; 4175

(b) The medicaid waiver component known as Ohio transitions 4176
II aging carve-out that the department of job and family services 4177
administers. 4178

(17) "Physician" means an individual authorized under Chapter 4179
4731. of the Revised Code to practice medicine and surgery or 4180
osteopathic medicine and surgery. 4181

(18) "Practice of nursing as a registered nurse," "practice 4182
of nursing as a licensed practical nurse," and "registered nurse" 4183
have the same meanings as in section 4723.01 of the Revised Code. 4184
"Registered nurse" includes an advanced practice registered nurse, 4185
as defined in section 4723.01 of the Revised Code. 4186

(19) "Schedule II," "schedule III," "schedule IV," and 4187
"schedule V" have the same meanings as in section 3719.01 of the 4188
Revised Code. 4189

(B) The director of job and family services may submit 4190
requests to the United States secretary of health and human 4191
services to amend the federal medicaid waivers authorizing the 4192
participating medicaid waiver components to have those components 4193
cover home care attendant services in accordance with sections 4194
5111.88 to 5111.8810 of the Revised Code and rules adopted under 4195
section 5111.8811 of the Revised Code. Notwithstanding sections 4196
5111.881 to 5111.8811 of the Revised Code, those sections shall be 4197
implemented regarding a participating medicaid waiver component 4198

only if the secretary approves a waiver amendment for the 4199
component. 4200

Sec. 5120.55. (A) As used in this section, "licensed health 4201
professional" means any or all of the following: 4202

(1) A dentist who holds a current, valid license issued under 4203
Chapter 4715. of the Revised Code to practice dentistry; 4204

(2) A licensed practical nurse who holds a current, valid 4205
license issued under Chapter 4723. of the Revised Code that 4206
authorizes the practice of nursing as a licensed practical nurse; 4207

(3) An optometrist who holds a current, valid certificate of 4208
licensure issued under Chapter 4725. of the Revised Code that 4209
authorizes the holder to engage in the practice of optometry; 4210

(4) A physician who is authorized under Chapter 4731. of the 4211
Revised Code to practice medicine and surgery, osteopathic 4212
medicine and surgery, or ~~pediatry~~ podiatric medicine and surgery; 4213

(5) A psychologist who holds a current, valid license issued 4214
under Chapter 4732. of the Revised Code that authorizes the 4215
practice of psychology as a licensed psychologist; 4216

(6) A registered nurse who holds a current, valid license 4217
issued under Chapter 4723. of the Revised Code that authorizes the 4218
practice of nursing as a registered nurse ~~regardless of whether~~ 4219
the, including such a nurse who is also authorized to practice as 4220
an advanced practice registered nurse as defined in section 4221
4723.01 of the Revised Code. 4222

(B)(1) The department of rehabilitation and correction may 4223
establish a recruitment program under which the department, by 4224
means of a contract entered into under division (C) of this 4225
section, agrees to repay all or part of the principal and interest 4226
of a government or other educational loan incurred by a licensed 4227
health professional who agrees to provide services to inmates of 4228

correctional institutions under the department's administration. 4229

(2)(a) For a physician to be eligible to participate in the 4230
program, the physician must have attended a school that was, 4231
during the time of attendance, a medical school or osteopathic 4232
medical school in this country accredited by the liaison committee 4233
on medical education or the American osteopathic association, a 4234
college of podiatry in this country recognized as being in good 4235
standing under section 4731.53 of the Revised Code, or a medical 4236
school, osteopathic medical school, or college of podiatry located 4237
outside this country that was acknowledged by the world health 4238
organization and verified by a member state of that organization 4239
as operating within that state's jurisdiction. 4240

(b) For a nurse to be eligible to participate in the program, 4241
the nurse must have attended a school that was, during the time of 4242
attendance, a nursing school in this country accredited by the 4243
commission on collegiate nursing education or the national league 4244
for nursing accrediting commission or a nursing school located 4245
outside this country that was acknowledged by the world health 4246
organization and verified by a member state of that organization 4247
as operating within that state's jurisdiction. 4248

(c) For a dentist to be eligible to participate in the 4249
program, the dentist must have attended a school that was, during 4250
the time of attendance, a dental college that enabled the dentist 4251
to meet the requirements specified in section 4715.10 of the 4252
Revised Code to be granted a license to practice dentistry. 4253

(d) For an optometrist to be eligible to participate in the 4254
program, the optometrist must have attended a school of optometry 4255
that was, during the time of attendance, approved by the state 4256
board of optometry. 4257

(e) For a psychologist to be eligible to participate in the 4258
program, the psychologist must have attended an educational 4259

institution that, during the time of attendance, maintained a 4260
specific degree program recognized by the state board of 4261
psychology as acceptable for fulfilling the requirement of 4262
division (B)(4) of section 4732.10 of the Revised Code. 4263

(C) The department shall enter into a contract with each 4264
licensed health professional it recruits under this section. Each 4265
contract shall include at least the following terms: 4266

(1) The licensed health professional agrees to provide a 4267
specified scope of medical, osteopathic medical, podiatric, 4268
optometric, psychological, nursing, or dental services to inmates 4269
of one or more specified state correctional institutions for a 4270
specified number of hours per week for a specified number of 4271
years. 4272

(2) The department agrees to repay all or a specified portion 4273
of the principal and interest of a government or other educational 4274
loan taken by the licensed health professional for the following 4275
expenses to attend, for up to a maximum of four years, a school 4276
that qualifies the licensed health professional to participate in 4277
the program: 4278

(a) Tuition; 4279

(b) Other educational expenses for specific purposes, 4280
including fees, books, and laboratory expenses, in amounts 4281
determined to be reasonable in accordance with rules adopted under 4282
division (D) of this section; 4283

(c) Room and board, in an amount determined to be reasonable 4284
in accordance with rules adopted under division (D) of this 4285
section. 4286

(3) The licensed health professional agrees to pay the 4287
department a specified amount, which shall be no less than the 4288
amount already paid by the department pursuant to its agreement, 4289
as damages if the licensed health professional fails to complete 4290

the service obligation agreed to or fails to comply with other 4291
specified terms of the contract. The contract may vary the amount 4292
of damages based on the portion of the service obligation that 4293
remains uncompleted. 4294

(4) Other terms agreed upon by the parties. 4295

The licensed health professional's lending institution or the 4296
Ohio board of regents, may be a party to the contract. The 4297
contract may include an assignment to the department of the 4298
licensed health professional's duty to repay the principal and 4299
interest of the loan. 4300

(D) If the department elects to implement the recruitment 4301
program, it shall adopt rules in accordance with Chapter 119. of 4302
the Revised Code that establish all of the following: 4303

(1) Criteria for designating institutions for which licensed 4304
health professionals will be recruited; 4305

(2) Criteria for selecting licensed health professionals for 4306
participation in the program; 4307

(3) Criteria for determining the portion of a loan which the 4308
department will agree to repay; 4309

(4) Criteria for determining reasonable amounts of the 4310
expenses described in divisions (C)(2)(b) and (c) of this section; 4311

(5) Procedures for monitoring compliance by a licensed health 4312
professional with the terms of the contract the licensed health 4313
professional enters into under this section; 4314

(6) Any other criteria or procedures necessary to implement 4315
the program. 4316

Section 2. That existing sections 2305.113, 2711.22, 3963.01, 4317
4503.44, 4723.01, 4723.03, 4723.06, 4723.07, 4723.08, 4723.09, 4318
4723.17, 4723.171, 4723.24, 4723.271, 4723.28, 4723.32, 4723.34, 4319
4723.35, 4723.41, 4123.42, 4723.43, 4123.431, 4723.44, 4723.48, 4320

4723.482, 4723.61, 4723.64, 4723.65, 4723.651, 4723.652, 4723.66,	4321
4723.67, 4723.68, 4723.69, 4723.71, 4723.72, 4723.73, 4723.74,	4322
4723.75, 4723.751, 4723.76, 4723.77, 4723.79, 4723.83, 4723.84,	4323
4723.87, 4723.88, 4723.99, 5111.88, and 5120.55 and sections	4324
4723.483, 4723.62, 4723.621, 4723.63, and 4723.78 of the Revised	4325
Code are hereby repealed.	4326