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Representatives Johnson, Stinziano

Cosponsors: Representatives Amstutz, Antonio, Gonzales, Grossman, Letson, Lynch, Maag, Milkovich, Phillips, Reece, Rogers, Sprague, Stebelton, Ramos, Barnes, Bishoff, Brown, Schuring, Sears, Smith, Adams, R., Anielski, Ashford, Baker, Beck, Blair, Blessing, Boose, Boyd, Buchy, Budish, Burkley, Butler, Carney, Celebrezze, Curtin, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Fedor, Gerberry, Green, Hackett, Hagan, C., Hall, Hayes, Heard, Henne, Hill, Huffman, Landis, Lundy, Mallory, McClain, Patterson, Perales, Redfern, Rosenberger, Ruhl, Sheehy, Slaby, Strahorn, Terhar, Thompson, Winburn, Young Speaker Batchelder

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A B I L L

To amend sections 4762.03, 4765.35, and 4765.37 and 1
to enact sections 2925.61, 4723.488, 4730.431, and 2
4731.94 of the Revised Code to provide for 3
increased access to naloxone, to ensure English 4
proficiency in licensed practitioners of Oriental 5
medicine and acupuncture, and to declare an 6
emergency. 7

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

Section 1. That sections 4762.03, 4765.35, and 4765.37 be 8
amended and sections 2925.61, 4723.488, 4730.431, and 4731.94 of 9
the Revised Code be enacted to read as follows: 10

Sec. 2925.61. (A) As used in this section: 11

<u>(1) "Administer naloxone" means to give naloxone to a person</u>	12
<u>by either of the following routes:</u>	13
<u>(a) Using a device manufactured for the intranasal</u>	14
<u>administration of liquid drugs;</u>	15
<u>(b) Using an autoinjector in a manufactured dosage form.</u>	16
<u>(2) "Law enforcement agency" means a government entity that</u>	17
<u>employs peace officers to perform law enforcement duties.</u>	18
<u>(3) "Licensed health professional" means all of the</u>	19
<u>following:</u>	20
<u>(a) A physician who is authorized under Chapter 4731. of the</u>	21
<u>Revised Code to practice medicine and surgery, osteopathic</u>	22
<u>medicine and surgery, or podiatric medicine and surgery;</u>	23
<u>(b) A physician assistant who holds a certificate to</u>	24
<u>prescribe issued under Chapter 4730. of the Revised Code;</u>	25
<u>(c) A clinical nurse specialist, certified nurse-midwife, or</u>	26
<u>certified nurse practitioner who holds a certificate to prescribe</u>	27
<u>issued under section 4723.48 of the Revised Code.</u>	28
<u>(4) "Peace officer" has the same meaning as in section</u>	29
<u>2921.51 of the Revised Code.</u>	30
<u>(B) A family member, friend, or other individual who is in a</u>	31
<u>position to assist an individual who is apparently experiencing or</u>	32
<u>at risk of experiencing an opioid-related overdose, is not subject</u>	33
<u>to criminal prosecution for a violation of section 4731.41 of the</u>	34
<u>Revised Code or criminal prosecution under this chapter if the</u>	35
<u>individual, acting in good faith, does all of the following:</u>	36
<u>(1) Obtains naloxone from a licensed health professional or a</u>	37
<u>prescription for naloxone from a licensed health professional;</u>	38
<u>(2) Administers that naloxone to an individual who is</u>	39
<u>apparently experiencing an opioid-related overdose;</u>	40

(3) Attempts to summon emergency services either immediately before or immediately after administering the naloxone. 41 42

(C) Division (B) of this section does not apply to a peace officer or to an emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic, as defined in section 4765.01 of the Revised Code. 43 44 45 46 47

(D) A peace officer employed by a law enforcement agency licensed under Chapter 4729. of the Revised Code as a terminal distributor of dangerous drugs is not subject to administrative action, criminal prosecution for a violation of section 4731.41 of the Revised Code, or criminal prosecution under this chapter if the peace officer, acting in good faith, obtains naloxone from the peace officer's law enforcement agency and administers the naloxone to an individual who is apparently experiencing an opioid-related overdose. 48 49 50 51 52 53 54 55 56

Sec. 4723.488. (A) Notwithstanding any provision of this chapter or rule adopted by the board of nursing, a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code may personally furnish a supply of naloxone, or issue a prescription for naloxone, without having examined the individual to whom it may be administered if all of the following conditions are met: 57 58 59 60 61 62 63 64

(1) The naloxone supply is furnished to, or the prescription is issued to and in the name of, a family member, friend, or other individual in a position to assist an individual who there is reason to believe is at risk of experiencing an opioid-related overdose; 65 66 67 68 69

(2) The nurse instructs the individual receiving the naloxone supply or prescription to summon emergency services either 70 71

immediately before or immediately after administering naloxone to 72
an individual apparently experiencing an opioid-related overdose; 73

(3) The naloxone is personally furnished or prescribed in 74
such a manner that it may be administered by only either of the 75
following routes: 76

(a) Using a device manufactured for the intranasal 77
administration of liquid drugs; 78

(b) Using an autoinjector in a manufactured dosage form. 79

(B) A nurse who under division (A) of this section in good 80
faith furnishes a supply of naloxone or issues a prescription for 81
naloxone is not liable for or subject to any of the following for 82
any action or omission of the individual to whom the naloxone is 83
furnished or the prescription is issued: damages in any civil 84
action, prosecution in any criminal proceeding, or professional 85
disciplinary action. 86

Sec. 4730.431. (A) Notwithstanding any provision of this 87
chapter or rule adopted by the state medical board, a physician 88
assistant who holds a certificate to prescribe issued under this 89
chapter may personally furnish a supply of naloxone, or issue a 90
prescription for naloxone, without having examined the individual 91
to whom it may be administered if all of the following conditions 92
are met: 93

(1) The naloxone supply is furnished to, or the prescription 94
is issued to and in the name of, a family member, friend, or other 95
individual in a position to assist an individual who there is 96
reason to believe is at risk of experiencing an opioid-related 97
overdose; 98

(2) The physician assistant instructs the individual 99
receiving the naloxone supply or prescription to summon emergency 100
services either immediately before or immediately after 101

administering naloxone to an individual apparently experiencing an 102
opioid-related overdose; 103

(3) The naloxone is personally furnished or prescribed in 104
such a manner that it may be administered by only either of the 105
following routes: 106

(a) Using a device manufactured for the intranasal 107
administration of liquid drugs; 108

(b) Using an autoinjector in a manufactured dosage form. 109

(B) A physician assistant who under division (A) of this 110
section in good faith furnishes a supply of naloxone or issues a 111
prescription for naloxone is not liable for or subject to any of 112
the following for any action or omission of the individual to whom 113
the naloxone is furnished or the prescription is issued: damages 114
in any civil action, prosecution in any criminal proceeding, or 115
professional disciplinary action. 116

Sec. 4731.94. (A) As used in this section, "physician" means 117
an individual authorized under this chapter to practice medicine 118
and surgery, osteopathic medicine and surgery, or podiatric 119
medicine and surgery. 120

(B) Notwithstanding any provision of this chapter or rule 121
adopted by the state medical board, a physician may personally 122
furnish a supply of naloxone, or issue a prescription for 123
naloxone, without having examined the individual to whom it may be 124
administered if all of the following conditions are met: 125

(1) The naloxone supply is furnished to, or the prescription 126
is issued to and in the name of, a family member, friend, or other 127
individual in a position to assist an individual who there is 128
reason to believe is at risk of experiencing an opioid-related 129
overdose; 130

(2) The physician instructs the individual receiving the 131

naloxone supply or prescription to summon emergency services 132
either immediately before or immediately after administering the 133
naloxone to an individual apparently experiencing an 134
opioid-related overdose; 135

(3) The naloxone is personally furnished or prescribed in 136
such a manner that it may be administered by only either of the 137
following routes: 138

(a) Using a device manufactured for the intranasal 139
administration of liquid drugs; 140

(b) Using an autoinjector in a manufactured dosage form. 141

(C) A physician who under division (B) of this section in 142
good faith furnishes a supply of naloxone or issues a prescription 143
for naloxone is not liable for or subject to any of the following 144
for any action or omission of the individual to whom the naloxone 145
is furnished or the prescription is issued: damages in any civil 146
action, prosecution in any criminal proceeding, or professional 147
disciplinary action. 148

Sec. 4762.03. (A) An individual seeking a certificate to 149
practice as an oriental medicine practitioner or certificate to 150
practice as an acupuncturist shall file with the state medical 151
board a written application on a form prescribed and supplied by 152
the board. 153

(B) To be eligible for the certificate to practice, an 154
applicant shall meet all of the following conditions, as 155
applicable: 156

(1) The applicant shall submit evidence satisfactory to the 157
board that the applicant is at least eighteen years of age and of 158
good moral character. 159

(2) In the case of an applicant seeking a certificate to 160
practice as an oriental medicine practitioner, the applicant shall 161

submit evidence satisfactory to the board of both of the 162
following: 163

(a) That the applicant holds a current and active designation 164
from the national certification commission for acupuncture and 165
oriental medicine as either a diplomate in oriental medicine or 166
diplomate of acupuncture and Chinese herbology; 167

(b) That the applicant has successfully completed, in the 168
two-year period immediately preceding application for the 169
certificate to practice, one course approved by the commission on 170
federal food and drug administration dispensary and compounding 171
guidelines and procedures. 172

(3) In the case of an applicant seeking a certificate to 173
practice as an acupuncturist, the applicant shall submit evidence 174
satisfactory to the board that the applicant holds a current and 175
active designation from the national certification commission for 176
acupuncture and oriental medicine as a diplomate in acupuncture. 177

(4) The applicant shall demonstrate to the board proficiency 178
in spoken English by ~~either passing~~ satisfying one of the 179
following requirements: 180

(a) Passing the examination described in section 4731.142 of 181
the Revised Code ~~or submitting;~~ 182

(b) Submitting evidence satisfactory to the board that the 183
applicant was required to demonstrate proficiency in spoken 184
English as a condition of obtaining designation from the national 185
certification commission for acupuncture and oriental medicine as 186
a diplomate in oriental medicine, diplomate of acupuncture and 187
Chinese herbology, or diplomate in acupuncture; 188

(c) Submitting evidence satisfactory to the board that the 189
applicant, in seeking a designation from the national 190
certification commission for acupuncture and oriental medicine as 191
a diplomate of oriental medicine, diplomate of acupuncture and 192

Chinese herbology, or diplomate of acupuncture, has successfully 193
completed in English the examination required for such a 194
designation by the national certification commission for 195
acupuncture and oriental medicine; 196

(d) In the case of an applicant seeking a certificate to 197
practice as an oriental medicine practitioner, submitting evidence 198
satisfactory to the board that the applicant has previously held a 199
certificate to practice as an acupuncturist issued under section 200
4762.04 of the Revised Code. 201

(5) The applicant shall submit to the board any other 202
information the board requires. 203

(6) The applicant shall pay to the board a fee of one hundred 204
dollars, no part of which may be returned to the applicant. 205

(C) The board shall review all applications received under 206
this section. The board shall determine whether an applicant meets 207
the requirements to receive a certificate to practice not later 208
than sixty days after receiving a complete application. The 209
affirmative vote of not fewer than six members of the board is 210
required to determine that an applicant meets the requirements for 211
a certificate. 212

Sec. 4765.35. (A) A first responder shall perform the 213
emergency medical services described in this section in accordance 214
with this chapter and any rules adopted under it. 215

(B) A first responder may provide limited emergency medical 216
services to patients until the arrival of an emergency medical 217
technician-basic, emergency medical technician-intermediate, or 218
emergency medical technician-paramedic. In an emergency, a first 219
responder may render emergency medical services such as opening 220
and maintaining an airway, giving mouth to barrier ventilation, 221
chest compressions, electrical interventions with automated 222

defibrillators to support or correct the cardiac function and 223
other methods determined by the board, controlling of hemorrhage, 224
manual stabilization of fractures, bandaging, assisting in 225
childbirth, and determining triage of trauma victims. 226

(C)(1) Subject to division (C)(2) of this section, a first 227
responder may administer naloxone by either of the following 228
routes to a person who is apparently experiencing an 229
opioid-related overdose: 230

(a) Using a device manufactured for the intranasal 231
administration of liquid drugs; 232

(b) Using an autoinjector in a manufactured dosage form. 233

(2) Except as provided in division (E) of this section, a 234
first responder shall administer naloxone only pursuant to the 235
written or verbal authorization of a physician or of the 236
cooperating physician advisory board or pursuant to an 237
authorization transmitted through a direct communication device by 238
a physician, physician assistant designated by a physician, or 239
registered nurse designated by a physician. 240

(D)(1) A first responder may perform any other emergency 241
medical services approved pursuant to rules adopted under section 242
4765.11 of the Revised Code. The board shall determine whether the 243
nature of any such service requires that a first responder receive 244
authorization prior to performing the service. 245

~~(D)(1)(2)~~ (2) Except as provided in division ~~(D)(2)(E)~~ of this 246
section, if the board determines under division ~~(C)(D)(1)~~ (D)(1) of this 247
section that a service requires prior authorization, the service 248
shall be performed only pursuant to the written or verbal 249
authorization of a physician or of the cooperating physician 250
advisory board, or pursuant to an authorization transmitted 251
through a direct communication device by a physician, physician 252
assistant designated by a physician, or registered nurse 253

designated by a physician. 254

~~(2)~~(E) If communications fail during an emergency situation 255
or the required response time prohibits communication, a first 256
responder may perform services subject to ~~this~~ division (C)(2) or 257
(D)(2) of this section, if, in the judgment of the first 258
responder, the life of the patient is in immediate danger. 259
Services performed under these circumstances shall be performed in 260
accordance with the written protocols for triage of adult and 261
pediatric trauma victims established in rules adopted under 262
sections 4765.11 and 4765.40 of the Revised Code and any 263
applicable protocols adopted by the emergency medical service 264
organization with which the first responder is affiliated. 265

Sec. 4765.37. (A) An emergency medical technician-basic shall 266
perform the emergency medical services described in this section 267
in accordance with this chapter and any rules adopted under it by 268
the state board of emergency medical, fire, and transportation 269
services. 270

(B) An emergency medical technician-basic may operate, or be 271
responsible for operation of, an ambulance and may provide 272
emergency medical services to patients. In an emergency, an 273
EMT-basic may determine the nature and extent of illness or injury 274
and establish priority for required emergency medical services. An 275
EMT-basic may render emergency medical services such as opening 276
and maintaining an airway, giving positive pressure ventilation, 277
cardiac resuscitation, electrical interventions with automated 278
defibrillators to support or correct the cardiac function and 279
other methods determined by the board, controlling of hemorrhage, 280
treatment of shock, immobilization of fractures, bandaging, 281
assisting in childbirth, management of mentally disturbed 282
patients, initial care of poison and burn patients, and 283
determining triage of adult and pediatric trauma victims. Where 284

patients must in an emergency be extricated from entrapment, an 285
EMT-basic may assess the extent of injury and render all possible 286
emergency medical services and protection to the entrapped 287
patient; provide light rescue services if an ambulance has not 288
been accompanied by a specialized unit; and after extrication, 289
provide additional care in sorting of the injured in accordance 290
with standard emergency procedures. 291

(C)(1) Subject to division (C)(2) of this section, an 292
EMT-basic may administer naloxone by either of the following 293
routes to a person who is apparently experiencing an 294
opioid-related overdose: 295

(a) Using a device manufactured for the intranasal 296
administration of liquid drugs; 297

(b) Using an autoinjector in a manufactured dosage form. 298

(2) Except as provided in division (E) of this section, an 299
EMT-basic shall administer naloxone only pursuant to the written 300
or verbal authorization of a physician or of the cooperating 301
physician advisory board or pursuant to an authorization 302
transmitted through a direct communication device by a physician, 303
physician assistant designated by a physician, or registered nurse 304
designated by a physician. 305

(D)(1) An EMT-basic may perform any other emergency medical 306
services approved pursuant to rules adopted under section 4765.11 307
of the Revised Code. The board shall determine whether the nature 308
of any such service requires that an EMT-basic receive 309
authorization prior to performing the service. 310

~~(D)(1)(2)~~ Except as provided in division ~~(D)(2)~~(E) of this 311
section, if the board determines under division ~~(C)~~(D)(1) of this 312
section that a service requires prior authorization, the service 313
shall be performed only pursuant to the written or verbal 314
authorization of a physician or of the cooperating physician 315

advisory board, or pursuant to an authorization transmitted 316
through a direct communication device by a physician, physician 317
assistant designated by a physician, or registered nurse 318
designated by a physician. 319

~~(2)~~(E) If communications fail during an emergency situation 320
or the required response time prohibits communication, an 321
EMT-basic may perform services subject to ~~this~~ division (C)(2) or 322
(D)(2) of this section, if, in the judgment of the EMT-basic, the 323
life of the patient is in immediate danger. Services performed 324
under these circumstances shall be performed in accordance with 325
the protocols for triage of adult and pediatric trauma victims 326
established in rules adopted under sections 4765.11 and 4765.40 of 327
the Revised Code and any applicable protocols adopted by the 328
emergency medical service organization with which the EMT-basic is 329
affiliated. 330

Section 2. That existing sections 4762.03, 4765.35, and 331
4765.37 of the Revised Code are hereby repealed. 332

Section 3. This act is hereby declared to be an emergency 333
measure necessary for the immediate preservation of the public 334
peace, health, and safety. The reason for such necessity is to 335
enhance the delivery of health services in this state by promptly 336
increasing access to certain forms of care, including Oriental 337
medicine, acupuncture, and emergency treatments for drug 338
overdoses. Therefore, this act shall go into immediate effect. 339