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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 4723.482 and 4762.03 and to enact 1
sections 2925.61, 4723.488, 4729.511, 4730.431, 2
and 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, to permit certain nurses 6
seeking prescriptive authority to complete a 7
portion of their study through Internet-based 8
study and to declare an emergency. 9

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

Section 1. That sections 4723.482 and 4762.03 be amended and 10
sections 2925.61, 4723.488, 4729.511, 4730.431, and 4731.94 of the 11
Revised Code be enacted to read as follows: 12

Sec. 2925.61. (A) As used in this section: 13

(1) "Administer naloxone" means to give naloxone to a person 14
by either of the following routes: 15

(a) Using a device manufactured for the intranasal 16
administration of liquid drugs; 17

(b) Using an autoinjector in a manufactured dosage form. 18

(2) "Law enforcement agency" means a government entity that 19
employs peace officers to perform law enforcement duties. 20

(3) "Licensed health professional" means all of the 21
following: 22

(a) A physician who is authorized under Chapter 4731. of the 23
Revised Code to practice medicine and surgery, osteopathic 24
medicine and surgery, or podiatric medicine and surgery; 25

(b) A physician assistant who holds a certificate to 26
prescribe issued under Chapter 4730. of the Revised Code; 27

(c) A clinical nurse specialist, certified nurse-midwife, or 28
certified nurse practitioner who holds a certificate to prescribe 29
issued under section 4723.48 of the Revised Code. 30

(4) "Peace officer" has the same meaning as in section 31
2921.51 of the Revised Code. 32

(B) A family member, friend, or other individual who is in a 33
position to assist an individual who is apparently experiencing or 34
at risk of experiencing an opioid-related overdose, is not subject 35

to criminal prosecution for a violation of section 4731.41 of the 36
Revised Code or criminal prosecution under this chapter if the 37
individual, acting in good faith, does all of the following: 38

(1) Obtains naloxone from a licensed health professional or a 39
prescription for naloxone from a licensed health professional; 40

(2) Administers that naloxone to an individual who is 41
apparently experiencing an opioid-related overdose; 42

(3) Attempts to summon emergency services either immediately 43
before or immediately after administering the naloxone. 44

(C) Division (B) of this section does not apply to a peace 45
officer or to an emergency medical technician-basic, emergency 46
medical technician-intermediate, or emergency medical 47
technician-paramedic, as defined in section 4765.01 of the Revised 48
Code. 49

(D) A peace officer employed by a law enforcement agency 50
licensed under Chapter 4729. of the Revised Code as a terminal 51
distributor of dangerous drugs is not subject to administrative 52
action, criminal prosecution for a violation of section 4731.41 of 53
the Revised Code, or criminal prosecution under this chapter if 54
the peace officer, acting in good faith, obtains naloxone from the 55
peace officer's law enforcement agency and administers the 56
naloxone to an individual who is apparently experiencing an 57
opioid-related overdose. 58

Sec. 4723.482. (A) Except as provided in divisions (C) and 59
(D) of this section, an applicant shall include with the 60
application submitted under section 4723.48 of the Revised Code 61
all of the following: 62

(1) Evidence of holding a current, valid certificate of 63
authority to practice as a clinical nurse specialist, certified 64
nurse-midwife, or certified nurse practitioner that was issued by 65

meeting the requirements of division (A) of section 4723.41 of the Revised Code;

(2) Evidence of successfully completing the course of study in advanced pharmacology and related topics in accordance with the requirements specified in division (B) of this section;

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

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

(B) With respect to the course of study in advanced pharmacology and related topics that must be successfully completed to obtain a certificate to prescribe, all of the following requirements apply:

(1) The course of study shall be completed not longer than three years before the application for the certificate to prescribe is filed.

(2) ~~The~~ Except as provided in division (E) of this section, the course of study shall consist of planned classroom and clinical instruction ~~for a~~. The total length of the course of study shall be not less than forty-five contact hours.

(3) The course of study shall meet the requirements to be approved by the board in accordance with standards established in rules adopted under section 4723.50 of the Revised Code.

(4) The content of the course of study shall be specific to the applicant's nursing specialty.

(5) The instruction provided in the course of study shall include all of the following:

(a) A minimum of thirty-six contact hours of instruction in advanced pharmacology that includes pharmacokinetic principles and

clinical application and the use of drugs and therapeutic devices	96
in the prevention of illness and maintenance of health;	97
(b) Instruction in the fiscal and ethical implications of	98
prescribing drugs and therapeutic devices;	99
(c) Instruction in the state and federal laws that apply to	100
the authority to prescribe;	101
(d) Instruction that is specific to schedule II controlled	102
substances, including instruction in all of the following:	103
(i) Indications for the use of schedule II controlled	104
substances in drug therapies;	105
(ii) The most recent guidelines for pain management	106
therapies, as established by state and national organizations such	107
as the Ohio pain initiative and the American pain society;	108
(iii) Fiscal and ethical implications of prescribing schedule	109
II controlled substances;	110
(iv) State and federal laws that apply to the authority to	111
prescribe schedule II controlled substances;	112
(v) Prevention of abuse and diversion of schedule II	113
controlled substances, including identification of the risk of	114
abuse and diversion, recognition of abuse and diversion, types of	115
assistance available for prevention of abuse and diversion, and	116
methods of establishing safeguards against abuse and diversion.	117
(e) Any additional instruction required pursuant to rules	118
adopted under section 4723.50 of the Revised Code.	119
(C) An applicant who practiced or is practicing as a clinical	120
nurse specialist, certified nurse-midwife, or certified nurse	121
practitioner in another jurisdiction or as an employee of the	122
United States government, and is not seeking authority to	123
prescribe drugs and therapeutic devices by meeting the	124
requirements of division (A) or (D) of this section, shall include	125

with the application submitted under section 4723.48 of the	126
Revised Code all of the following:	127
(1) Evidence of holding a current, valid certificate of	128
authority issued under this chapter to practice as a clinical	129
nurse specialist, certified nurse-midwife, or certified nurse	130
practitioner;	131
(2) The fee required by section 4723.08 of the Revised Code	132
for a certificate to prescribe;	133
(3) Either of the following:	134
(a) Evidence of having held, for a continuous period of at	135
least one year during the three years immediately preceding the	136
date of application, valid authority issued by another	137
jurisdiction to prescribe therapeutic devices and drugs, including	138
at least some controlled substances;	139
(b) Evidence of having been employed by the United States	140
government and authorized, for a continuous period of at least one	141
year during the three years immediately preceding the date of	142
application, to prescribe therapeutic devices and drugs, including	143
at least some controlled substances, in conjunction with that	144
employment.	145
(4) Evidence of having completed a two-hour course of	146
instruction approved by the board in the laws of this state that	147
govern drugs and prescriptive authority;	148
(5) Any additional information the board requires pursuant to	149
rules adopted under section 4723.50 of the Revised Code.	150
(D) An applicant who practiced or is practicing as a clinical	151
nurse specialist, certified nurse-midwife, or certified nurse	152
practitioner in another jurisdiction or as an employee of the	153
United States government, and is not seeking authority to	154
prescribe drugs and therapeutic devices by meeting the	155

requirements of division (A) or (C) of this section, shall include 156
with the application submitted under section 4723.48 of the 157
Revised Code all of the following: 158

(1) Evidence of holding a current, valid certificate of 159
authority issued under this chapter to practice as a clinical 160
nurse specialist, certified nurse-midwife, or certified nurse 161
practitioner; 162

(2) The fee required by section 4723.08 of the Revised Code 163
for a certificate to prescribe; 164

(3) Either of the following: 165

(a) Evidence of having held, for a continuous period of at 166
least one year during the three years immediately preceding the 167
date of application, valid authority issued by another 168
jurisdiction to prescribe therapeutic devices and drugs, excluding 169
controlled substances; 170

(b) Evidence of having been employed by the United States 171
government and authorized, for a continuous period of at least one 172
year during the three years immediately preceding the date of 173
application, to prescribe therapeutic devices and drugs, excluding 174
controlled substances, in conjunction with that employment. 175

(4) Any additional information the board requires pursuant to 176
rules adopted under section 4723.50 of the Revised Code. 177

(E) In the case of an applicant who meets the requirements of 178
division (C) or (D) of this section other than the requirements of 179
division (C)(3) or (D)(3) of this section and is seeking authority 180
to prescribe drugs and therapeutic devices by meeting the 181
requirements of division (A) of this section, the applicant may 182
complete the instruction that is specific to schedule II 183
controlled substances, as required by division (B)(5)(d) of this 184
section, through an internet-based course of study in lieu of 185
completing the instruction through a course of study consisting of 186

planned classroom and clinical instruction. 187

Sec. 4723.488. (A) Notwithstanding any provision of this 188
chapter or rule adopted by the board of nursing, a clinical nurse 189
specialist, certified nurse-midwife, or certified nurse 190
practitioner who holds a certificate to prescribe issued under 191
section 4723.48 of the Revised Code may personally furnish a 192
supply of naloxone, or issue a prescription for naloxone, without 193
having examined the individual to whom it may be administered if 194
all of the following conditions are met: 195

(1) The naloxone supply is furnished to, or the prescription 196
is issued to and in the name of, a family member, friend, or other 197
individual in a position to assist an individual who there is 198
reason to believe is at risk of experiencing an opioid-related 199
overdose. 200

(2) The nurse instructs the individual receiving the naloxone 201
supply or prescription to summon emergency services either 202
immediately before or immediately after administering naloxone to 203
an individual apparently experiencing an opioid-related overdose. 204

(3) The naloxone is personally furnished or prescribed in 205
such a manner that it may be administered by only either of the 206
following routes: 207

(a) Using a device manufactured for the intranasal 208
administration of liquid drugs; 209

(b) Using an autoinjector in a manufactured dosage form. 210

(B) A nurse who under division (A) of this section in good 211
faith furnishes a supply of naloxone or issues a prescription for 212
naloxone is not liable for or subject to any of the following for 213
any action or omission of the individual to whom the naloxone is 214
furnished or the prescription is issued: damages in any civil 215
action, prosecution in any criminal proceeding, or professional 216

disciplinary action. 217

Sec. 4729.511. (A) As used in this section, "naloxone distributor" means either of the following: 218
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(1) A wholesale distributor of dangerous drugs; 220

(2) A terminal distributor of dangerous drugs that supplies naloxone to any entity under division (B)(1) of this section. 221
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(B)(1) A naloxone distributor shall prioritize the sale, distribution, and delivery of naloxone to all of the following: 223
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(a) A children's hospital, as defined in section 3727.01 of the Revised Code; 225
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(b) A hospital, as defined in section 3727.01 of the Revised Code; 227
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(c) An emergency medical service organization, as defined in section 4765.01 of the Revised Code; 229
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(d) A facility that is operated as an urgent care center. 231

(2) The order in which the entities are listed in division (B)(1) of this section does not establish levels of priority among the listed entities. 232
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(C) A naloxone distributor who in good faith complies with division (B) of this section is not liable for or subject to any of the following for an act or omission arising from that compliance: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action. 235
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Sec. 4730.431. (A) Notwithstanding any provision of this chapter or rule adopted by the state medical board, a physician assistant who holds a certificate to prescribe issued under this chapter may personally furnish a supply of naloxone, or issue a prescription for naloxone, without having examined the individual 240
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to whom it may be administered if all of the following conditions 245
are met: 246

(1) The naloxone supply is furnished to, or the prescription 247
is issued to and in the name of, a family member, friend, or other 248
individual in a position to assist an individual who there is 249
reason to believe is at risk of experiencing an opioid-related 250
overdose. 251

(2) The physician assistant instructs the individual 252
receiving the naloxone supply or prescription to summon emergency 253
services either immediately before or immediately after 254
administering naloxone to an individual apparently experiencing an 255
opioid-related overdose. 256

(3) The naloxone is personally furnished or prescribed in 257
such a manner that it may be administered by only either of the 258
following routes: 259

(a) Using a device manufactured for the intranasal 260
administration of liquid drugs; 261

(b) Using an autoinjector in a manufactured dosage form. 262

(B) A physician assistant who under division (A) of this 263
section in good faith furnishes a supply of naloxone or issues a 264
prescription for naloxone is not liable for or subject to any of 265
the following for any action or omission of the individual to whom 266
the naloxone is furnished or the prescription is issued: damages 267
in any civil action, prosecution in any criminal proceeding, or 268
professional disciplinary action. 269

Sec. 4731.94. (A) As used in this section, "physician" means 270
an individual authorized under this chapter to practice medicine 271
and surgery, osteopathic medicine and surgery, or podiatric 272
medicine and surgery. 273

(B) Notwithstanding any provision of this chapter or rule 274
adopted by the state medical board, a physician may personally 275
furnish a supply of naloxone, or issue a prescription for 276
naloxone, without having examined the individual to whom it may be 277
administered if all of the following conditions are met: 278

(1) The naloxone supply is furnished to, or the prescription 279
is issued to and in the name of, a family member, friend, or other 280
individual in a position to assist an individual who there is 281
reason to believe is at risk of experiencing an opioid-related 282
overdose. 283

(2) The physician instructs the individual receiving the 284
naloxone supply or prescription to summon emergency services 285
either immediately before or immediately after administering the 286
naloxone to an individual apparently experiencing an 287
opioid-related overdose. 288

(3) The naloxone is personally furnished or prescribed in 289
such a manner that it may be administered by only either of the 290
following routes: 291

(a) Using a device manufactured for the intranasal 292
administration of liquid drugs; 293

(b) Using an autoinjector in a manufactured dosage form. 294

(C) A physician who under division (B) of this section in 295
good faith furnishes a supply of naloxone or issues a prescription 296
for naloxone is not liable for or subject to any of the following 297
for any action or omission of the individual to whom the naloxone 298
is furnished or the prescription is issued: damages in any civil 299
action, prosecution in any criminal proceeding, or professional 300
disciplinary action. 301

Sec. 4762.03. (A) An individual seeking a certificate to 302
practice as an oriental medicine practitioner or certificate to 303

practice as an acupuncturist shall file with the state medical 304
board a written application on a form prescribed and supplied by 305
the board. 306

(B) To be eligible for the certificate to practice, an 307
applicant shall meet all of the following conditions, as 308
applicable: 309

(1) The applicant shall submit evidence satisfactory to the 310
board that the applicant is at least eighteen years of age and of 311
good moral character. 312

(2) In the case of an applicant seeking a certificate to 313
practice as an oriental medicine practitioner, the applicant shall 314
submit evidence satisfactory to the board of both of the 315
following: 316

(a) That the applicant holds a current and active designation 317
from the national certification commission for acupuncture and 318
oriental medicine as either a diplomate in oriental medicine or 319
diplomate of acupuncture and Chinese herbology; 320

(b) That the applicant has successfully completed, in the 321
two-year period immediately preceding application for the 322
certificate to practice, one course approved by the commission on 323
federal food and drug administration dispensary and compounding 324
guidelines and procedures. 325

(3) In the case of an applicant seeking a certificate to 326
practice as an acupuncturist, the applicant shall submit evidence 327
satisfactory to the board that the applicant holds a current and 328
active designation from the national certification commission for 329
acupuncture and oriental medicine as a diplomate in acupuncture. 330

(4) The applicant shall demonstrate to the board proficiency 331
in spoken English by ~~either passing~~ satisfying one of the 332
following requirements: 333

(a) Passing the examination described in section 4731.142 of 334
the Revised Code ~~or submitting~~; 335

(b) Submitting evidence satisfactory to the board that the 336
applicant was required to demonstrate proficiency in spoken 337
English as a condition of obtaining designation from the national 338
certification commission for acupuncture and oriental medicine as 339
a diplomate in oriental medicine, diplomate of acupuncture and 340
Chinese herbology, or diplomate in acupuncture; 341

(c) Submitting evidence satisfactory to the board that the 342
applicant, in seeking a designation from the national 343
certification commission for acupuncture and oriental medicine as 344
a diplomate of oriental medicine, diplomate of acupuncture and 345
Chinese herbology, or diplomate of acupuncture, has successfully 346
completed in English the examination required for such a 347
designation by the national certification commission for 348
acupuncture and oriental medicine; 349

(d) In the case of an applicant seeking a certificate to 350
practice as an oriental medicine practitioner, submitting evidence 351
satisfactory to the board that the applicant has previously held a 352
certificate to practice as an acupuncturist issued under section 353
4762.04 of the Revised Code. 354

(5) The applicant shall submit to the board any other 355
information the board requires. 356

(6) The applicant shall pay to the board a fee of one hundred 357
dollars, no part of which may be returned to the applicant. 358

(C) The board shall review all applications received under 359
this section. The board shall determine whether an applicant meets 360
the requirements to receive a certificate to practice not later 361
than sixty days after receiving a complete application. The 362
affirmative vote of not fewer than six members of the board is 363
required to determine that an applicant meets the requirements for 364

a certificate. 365

Section 2. That existing sections 4723.482 and 4762.03 of the Revised Code are hereby repealed. 366
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Section 3. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to enhance the delivery of health services in this state by promptly increasing access to certain forms of care, including Oriental medicine, acupuncture, services of certain nurses with prescriptive authority, and emergency treatments for drug overdoses. Therefore, this act shall go into immediate effect. 368
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