

**As Reported by the Senate Medicaid, Health and Human Services  
Committee**

**130th General Assembly  
Regular Session  
2013-2014**

**Sub. H. B. No. 170**

**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,  
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Driehaus, Fedor, Gerberry, Green, Hackett, Hagan, C., Hall, Hayes, Heard,  
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Redfern, Rosenberger, Ruhl, Sheehy, Slaby, Strahorn, Terhar, Thompson,  
Winburn, Young Speaker Batchelder**

**Senator Tavares**

**—**

**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 66  
Revised Code; 67

(2) Evidence of successfully completing the course of study 68  
in advanced pharmacology and related topics in accordance with the 69  
requirements specified in division (B) of this section; 70

(3) The fee required by section 4723.08 of the Revised Code 71  
for a certificate to prescribe; 72

(4) Any additional information the board of nursing requires 73  
pursuant to rules adopted under section 4723.50 of the Revised 74  
Code. 75

(B) With respect to the course of study in advanced 76  
pharmacology and related topics that must be successfully 77  
completed to obtain a certificate to prescribe, all of the 78  
following requirements apply: 79

(1) The course of study shall be completed not longer than 80  
three years before the application for the certificate to 81  
prescribe is filed. 82

(2) ~~The~~ Except as provided in division (E) of this section, 83  
the course of study shall consist of planned classroom and 84  
clinical instruction ~~for a~~. The total length of the course of 85  
study shall be not less than forty-five contact hours. 86

(3) The course of study shall meet the requirements to be 87  
approved by the board in accordance with standards established in 88  
rules adopted under section 4723.50 of the Revised Code. 89

(4) The content of the course of study shall be specific to 90  
the applicant's nursing specialty. 91

(5) The instruction provided in the course of study shall 92  
include all of the following: 93

(a) A minimum of thirty-six contact hours of instruction in 94  
advanced pharmacology that includes pharmacokinetic principles and 95  
clinical application and the use of drugs and therapeutic devices 96  
in the prevention of illness and maintenance of health; 97

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| (b) Instruction in the fiscal and ethical implications of prescribing drugs and therapeutic devices;   | 98<br>99   |
| (c) Instruction in the state and federal laws that apply to the authority to prescribe;  | 100<br>101   |
| (d) Instruction that is specific to schedule II controlled substances, including instruction in all of the following:  | 102<br>103   |
| (i) Indications for the use of schedule II controlled substances in drug therapies;  | 104<br>105   |
| (ii) The most recent guidelines for pain management therapies, as established by state and national organizations such as the Ohio pain initiative and the American pain society;  | 106<br>107<br>108                                    |
| (iii) Fiscal and ethical implications of prescribing schedule II controlled substances;  | 109<br>110   |
| (iv) State and federal laws that apply to the authority to prescribe schedule II controlled substances;  | 111<br>112   |
| (v) Prevention of abuse and diversion of schedule II controlled substances, including identification of the risk of abuse and diversion, recognition of abuse and diversion, types of assistance available for prevention of abuse and diversion, and methods of establishing safeguards against abuse and diversion.  | 113<br>114<br>115<br>116<br>117                      |
| (e) Any additional instruction required pursuant to rules adopted under section 4723.50 of the Revised Code.   | 118<br>119   |
| (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: | 120<br>121<br>122<br>123<br>124<br>125<br>126<br>127 |

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| (1) Evidence 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;  | 128<br>129<br>130<br>131                             |
| (2) The fee required by section 4723.08 of the Revised Code for a certificate to prescribe;  | 132<br>133   |
| (3) Either of the following:   | 134  |
| (a) Evidence of having held, for a continuous period of at least one year during the three years immediately preceding the date of application, valid authority issued by another jurisdiction to prescribe therapeutic devices and drugs, including at least some controlled substances;  | 135<br>136<br>137<br>138<br>139                      |
| (b) Evidence of having been employed by the United States government and authorized, for a continuous period of at least one year during the three years immediately preceding the date of application, to prescribe therapeutic devices and drugs, including at least some controlled substances, in conjunction with that employment.  | 140<br>141<br>142<br>143<br>144<br>145               |
| (4) Evidence of having completed a two-hour course of instruction approved by the board in the laws of this state that govern drugs and prescriptive authority;  | 146<br>147<br>148                                    |
| (5) Any additional information the board requires pursuant to rules adopted under section 4723.50 of the Revised Code.   | 149<br>150   |
| (D) 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 (C) of this section, shall include with the application submitted under section 4723.48 of the Revised Code all of the following: | 151<br>152<br>153<br>154<br>155<br>156<br>157<br>158 |

(1) Evidence 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; 159  
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(2) The fee required by section 4723.08 of the Revised Code for a certificate to prescribe; 163  
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(3) Either of the following: 165

(a) Evidence of having held, for a continuous period of at least one year during the three years immediately preceding the date of application, valid authority issued by another jurisdiction to prescribe therapeutic devices and drugs, excluding controlled substances; 166  
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(b) Evidence of having been employed by the United States government and authorized, for a continuous period of at least one year during the three years immediately preceding the date of application, to prescribe therapeutic devices and drugs, excluding controlled substances, in conjunction with that employment. 171  
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(4) Any additional information the board requires pursuant to rules adopted under section 4723.50 of the Revised Code. 176  
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(E) In the case of an applicant who meets the requirements of division (C) or (D) of this section other than the requirements of division (C)(3) or (D)(3) of this section and is seeking authority to prescribe drugs and therapeutic devices by meeting the requirements of division (A) of this section, the applicant may complete the instruction that is specific to schedule II controlled substances, as required by division (B)(5)(d) of this section, through an internet-based course of study in lieu of completing the instruction through a course of study consisting of planned classroom and clinical instruction. 178  
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Sec. 4723.488. (A) Notwithstanding any provision of this 188

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: 189  
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(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. 196  
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(2) The nurse instructs the individual receiving the naloxone supply or prescription to summon emergency services either immediately before or immediately after administering naloxone to an individual apparently experiencing an opioid-related overdose. 201  
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(3) The naloxone is personally furnished or prescribed in such a manner that it may be administered by only either of the following routes: 205  
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(a) Using a device manufactured for the intranasal administration of liquid drugs; 208  
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(b) Using an autoinjector in a manufactured dosage form. 210

(B) A nurse who under division (A) of this section in good faith furnishes a supply of naloxone or issues a prescription for naloxone is not liable for or subject to any of the following for any action or omission of the individual to whom the naloxone is furnished or the prescription is issued: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action. 211  
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Sec. 4729.511. (A) As used in this section, "naloxone 218

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| <u>distributor" means either of the following:</u>  | 219   |
| <u>(1) A wholesale distributor of dangerous drugs;</u>  | 220   |
| <u>(2) A terminal distributor of dangerous drugs that supplies</u><br><u>naloxone to any entity under division (B)(1) of this section.</u>  | 221<br>222                                    |
| <u>(B)(1) A naloxone distributor shall prioritize the sale,</u><br><u>distribution, and delivery of naloxone to all of the following:</u>   | 223<br>224                                    |
| <u>(a) A children's hospital, as defined in section 3727.01 of</u><br><u>the Revised Code;</u>  | 225<br>226                                    |
| <u>(b) A hospital, as defined in section 3727.01 of the Revised</u><br><u>Code;</u>   | 227<br>228                                    |
| <u>(c) An emergency medical service organization, as defined in</u><br><u>section 4765.01 of the Revised Code;</u>  | 229<br>230                                    |
| <u>(d) A facility that is operated as an urgent care center.</u>  | 231   |
| <u>(2) The order in which the entities are listed in division</u><br><u>(B)(1) of this section does not establish levels of priority among</u><br><u>the listed entities.</u>   | 232<br>233<br>234                             |
| <u>(C) A naloxone distributor who in good faith complies with</u><br><u>division (B) of this section is not liable for or subject to any</u><br><u>of the following for an act or omission arising from that</u><br><u>compliance: damages in any civil action, prosecution in any</u><br><u>criminal proceeding, or professional disciplinary action.</u>  | 235<br>236<br>237<br>238<br>239               |
| <u>Sec. 4730.431. (A) Notwithstanding any provision of this</u><br><u>chapter or rule adopted by the state medical board, a physician</u><br><u>assistant who holds a certificate to prescribe issued under this</u><br><u>chapter may personally furnish a supply of naloxone, or issue a</u><br><u>prescription for naloxone, without having examined the individual</u><br><u>to whom it may be administered if all of the following conditions</u><br><u>are met:</u> | 240<br>241<br>242<br>243<br>244<br>245<br>246 |
| <u>(1) The naloxone supply is furnished to, or the prescription</u>   | 247   |

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. 248  
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(2) The physician assistant instructs the individual receiving the naloxone supply or prescription to summon emergency services either immediately before or immediately after administering naloxone to an individual apparently experiencing an opioid-related overdose. 252  
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(3) The naloxone is personally furnished or prescribed in such a manner that it may be administered by only either of the following routes: 257  
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(a) Using a device manufactured for the intranasal administration of liquid drugs; 260  
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(b) Using an autoinjector in a manufactured dosage form. 262

(B) A physician assistant who under division (A) of this section in good faith furnishes a supply of naloxone or issues a prescription for naloxone is not liable for or subject to any of the following for any action or omission of the individual to whom the naloxone is furnished or the prescription is issued: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action. 263  
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**Sec. 4731.94.** (A) As used in this section, "physician" means an individual authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery. 270  
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(B) Notwithstanding any provision of this chapter or rule adopted by the state medical board, a physician may personally furnish a supply of naloxone, or issue a prescription for naloxone, without having examined the individual to whom it may be 274  
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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 366  
Revised Code are hereby repealed. 367

**Section 3.** This act is hereby declared to be an emergency 368  
measure necessary for the immediate preservation of the public 369  
peace, health, and safety. The reason for such necessity is to 370  
enhance the delivery of health services in this state by promptly 371  
increasing access to certain forms of care, including Oriental 372  
medicine, acupuncture, services of certain nurses with 373  
prescriptive authority, and emergency treatments for drug 374  
overdoses. Therefore, this act shall go into immediate effect. 375