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Representative Gonzales

**Cosponsors: Representatives Bishoff, Terhar, Young, Wachtmann,
Schuring, Brown, Anielski, Baker, Blessing, Carney, Green, Grossman,
Hackett, Huffman, Landis, Perales, Pillich, Rogers, Scherer**

Speaker Batchelder

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A B I L L

To amend sections 1.64, 2133.211, 2151.3515, 1
2305.113, 3701.92, 4503.44, 4729.01, 4730.01, 2
4730.02, 4730.03, 4730.04, 4730.06, 4730.08, 3
4730.091, 4730.10, 4730.101, 4730.11, 4730.12, 4
4730.13, 4730.14, 4730.19, 4730.21, 4730.22, 5
4730.25, 4730.251, 4730.27, 4730.28, 4730.31, 6
4730.32, 4730.33, 4730.38, 4730.39, 4730.41, 7
4730.42, 4730.43, 4730.49, 4730.51, 4730.53, 8
4731.07, 4765.01, 4765.51, and 5123.47; to amend, 9
for the purpose of adopting new section numbers as 10
shown in parentheses, section 4730.091 (4730.201) 11
and 4730.092 (4730.202); to enact new section 12
4730.20 and sections 4730.111 and 4730.203; and to 13
repeal sections 4730.081, 4730.09, 4730.15, 14
4730.16, 4730.17, 4730.18, 4730.20, 4730.44, 15
4730.45, 4730.46, 4730.47, 4730.48, 4730.50, and 16
4730.52 of the Revised Code to revise the law 17
governing the practice of physician assistants. 18

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

Section 1. That sections 1.64, 2133.211, 2151.3515, 2305.113, 19
3701.92, 4503.44, 4729.01, 4730.01, 4730.02, 4730.03, 4730.04, 20
4730.06, 4730.08, 4730.091, 4730.10, 4730.101, 4730.11, 4730.12, 21
4730.13, 4730.14, 4730.19, 4730.21, 4730.22, 4730.25, 4730.251, 22
4730.27, 4730.28, 4730.31, 4730.32, 4730.33, 4730.38, 4730.39, 23
4730.41, 4730.42, 4730.43, 4730.49, 4730.51, 4730.53, 4731.07, 24
4765.01, 4765.51, and 5123.47 be amended, sections 4730.091 25
(4730.201) and 4730.092 (4730.202) be amended for the purpose of 26
adopting new section numbers as indicated in parentheses, and new 27
section 4730.20 and sections 4730.111 and 4730.203 of the Revised 28
Code be enacted to read as follows: 29

Sec. 1.64. As used in the Revised Code: 30

(A) "Certified nurse-midwife" means a registered nurse who 31
holds a valid certificate of authority issued under Chapter 4723. 32
of the Revised Code that authorizes the practice of nursing as a 33
certified nurse-midwife in accordance with section 4723.43 of the 34
Revised Code and rules adopted by the board of nursing. 35

(B) "Certified nurse practitioner" means a registered nurse 36
who holds a valid certificate of authority issued under Chapter 37
4723. of the Revised Code that authorizes the practice of nursing 38
as a certified nurse practitioner in accordance with section 39
4723.43 of the Revised Code and rules adopted by the board of 40
nursing. 41

(C) "Clinical nurse specialist" means a registered nurse who 42
holds a valid certificate of authority issued under Chapter 4723. 43
of the Revised Code that authorizes the practice of nursing as a 44
clinical nurse specialist in accordance with section 4723.43 of 45
the Revised Code and rules adopted by the board of nursing. 46

(D) "Physician assistant" means an individual who ~~holds a~~ 47
~~valid certificate to practice issued~~ is licensed under Chapter 48

4730. of the Revised Code ~~authorizing the individual~~ to provide 49
services as a physician assistant to patients under the 50
supervision, control, and direction of one or more physicians. 51

Sec. 2133.211. A person who holds a certificate of authority 52
~~to practice~~ as a certified nurse practitioner or clinical nurse 53
specialist issued under ~~section 4723.42~~ Chapter 4723. of the 54
Revised Code may take any action that may be taken by an attending 55
physician under sections 2133.21 to 2133.26 of the Revised Code 56
and has the immunity provided by section 2133.22 of the Revised 57
Code if the action is taken pursuant to a standard care 58
arrangement with a collaborating physician. 59

A person who holds a ~~certificate~~ license to practice as a 60
physician assistant issued under Chapter 4730. of the Revised Code 61
may take any action that may be taken by an attending physician 62
under sections 2133.21 to 2133.26 of the Revised Code and has the 63
immunity provided by section 2133.22 of the Revised Code if the 64
action is taken pursuant to a ~~physician supervisory plan approved~~ 65
~~pursuant to~~ supervision agreement entered into under section 66
~~4730.17~~ 4730.19 of the Revised Code ~~or, including, if applicable~~ 67
the policies of a health care facility in which the physician 68
assistant is practicing. 69

Sec. 2151.3515. As used in sections 2151.3515 to 2151.3530 of 70
the Revised Code: 71

(A) "Deserted child" means a child whose parent has 72
voluntarily delivered the child to an emergency medical service 73
worker, peace officer, or hospital employee without expressing an 74
intent to return for the child. 75

(B) "Emergency medical service organization," "emergency 76
medical technician-basic," "emergency medical 77
technician-intermediate," "first responder," and "paramedic" have 78

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| the same meanings as in section 4765.01 of the Revised Code. | 79 |
| (C) "Emergency medical service worker" means a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic. | 80 81 82 |
| (D) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. | 83 84 |
| (E) "Hospital employee" means any of the following persons: | 85 |
| (1) A physician who has been granted privileges to practice at the hospital; | 86 87 |
| (2) A nurse, physician assistant, or nursing assistant employed by the hospital; | 88 89 |
| (3) An authorized person employed by the hospital who is acting under the direction of a physician described in division (E)(1) of this section. | 90 91 92 |
| (F) "Law enforcement agency" means an organization or entity made up of peace officers. | 93 94 |
| (G) "Nurse" means a person who is licensed under Chapter 4723. of the Revised Code to practice as a registered nurse or licensed practical nurse. | 95 96 97 |
| (H) "Nursing assistant" means a person designated by a hospital as a nurse aide or nursing assistant whose job is to aid nurses, physicians, and physician assistants in the performance of their duties. | 98 99 100 101 |
| (I) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper. | 102 103 104 105 |
| (J) "Physician" and "physician assistant" have the same meanings as in section 4730.01 <u>means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and</u> | 106 107 108 |

surgery, osteopathic medicine and surgery, or podiatric medicine 109
and surgery. 110

(K) "Physician assistant" means an individual who holds a 111
current, valid license to practice as a physician assistant issued 112
under Chapter 4730. of the Revised Code. 113

Sec. 2305.113. (A) Except as otherwise provided in this 114
section, an action upon a medical, dental, optometric, or 115
chiropractic claim shall be commenced within one year after the 116
cause of action accrued. 117

(B)(1) If prior to the expiration of the one-year period 118
specified in division (A) of this section, a claimant who 119
allegedly possesses a medical, dental, optometric, or chiropractic 120
claim gives to the person who is the subject of that claim written 121
notice that the claimant is considering bringing an action upon 122
that claim, that action may be commenced against the person 123
notified at any time within one hundred eighty days after the 124
notice is so given. 125

(2) An insurance company shall not consider the existence or 126
nonexistence of a written notice described in division (B)(1) of 127
this section in setting the liability insurance premium rates that 128
the company may charge the company's insured person who is 129
notified by that written notice. 130

(C) Except as to persons within the age of minority or of 131
unsound mind as provided by section 2305.16 of the Revised Code, 132
and except as provided in division (D) of this section, both of 133
the following apply: 134

(1) No action upon a medical, dental, optometric, or 135
chiropractic claim shall be commenced more than four years after 136
the occurrence of the act or omission constituting the alleged 137
basis of the medical, dental, optometric, or chiropractic claim. 138

(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 171
section, whichever is applicable. 172

(E) As used in this section: 173

(1) "Hospital" includes any person, corporation, association, 174
board, or authority that is responsible for the operation of any 175
hospital licensed or registered in the state, including, but not 176
limited to, those that are owned or operated by the state, 177
political subdivisions, any person, any corporation, or any 178
combination of the state, political subdivisions, persons, and 179
corporations. "Hospital" also includes any person, corporation, 180
association, board, entity, or authority that is responsible for 181
the operation of any clinic that employs a full-time staff of 182
physicians practicing in more than one recognized medical 183
specialty and rendering advice, diagnosis, care, and treatment to 184
individuals. "Hospital" does not include any hospital operated by 185
the government of the United States or any of its branches. 186

(2) "Physician" means a person who is licensed to practice 187
medicine and surgery or osteopathic medicine and surgery by the 188
state medical board or a person who otherwise is authorized to 189
practice medicine and surgery or osteopathic medicine and surgery 190
in this state. 191

(3) "Medical claim" means any claim that is asserted in any 192
civil action against a physician, podiatrist, hospital, home, or 193
residential facility, against any employee or agent of a 194
physician, podiatrist, hospital, home, or residential facility, or 195
against a licensed practical nurse, registered nurse, advanced 196
practice registered nurse, physical therapist, physician 197
assistant, emergency medical technician-basic, emergency medical 198
technician-intermediate, or emergency medical 199
technician-paramedic, and that arises out of the medical 200
diagnosis, care, or treatment of any person. "Medical claim" 201
includes the following: 202

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| (a) Derivative claims for relief that arise from the medical diagnosis, care, or treatment of a person; | 203 204 |
| (b) Claims that arise out of the medical diagnosis, care, or treatment of any person and to which either of the following applies: | 205 206 207 |
| (i) The claim results from acts or omissions in providing medical care. | 208 209 |
| (ii) The claim results from the hiring, training, supervision, retention, or termination of caregivers providing medical diagnosis, care, or treatment. | 210 211 212 |
| (c) Claims that arise out of the medical diagnosis, care, or treatment of any person and that are brought under section 3721.17 of the Revised Code. | 213 214 215 |
| (4) "Podiatrist" means any person who is licensed to practice podiatric medicine and surgery by the state medical board. | 216 217 |
| (5) "Dentist" means any person who is licensed to practice dentistry by the state dental board. | 218 219 |
| (6) "Dental claim" means any claim that is asserted in any civil action against a dentist, or against any employee or agent of a dentist, and that arises out of a dental operation or the dental diagnosis, care, or treatment of any person. "Dental claim" includes derivative claims for relief that arise from a dental operation or the dental diagnosis, care, or treatment of a person. | 220 221 222 223 224 225 |
| (7) "Derivative claims for relief" include, but are not limited to, claims of a parent, guardian, custodian, or spouse of an individual who was the subject of any medical diagnosis, care, or treatment, dental diagnosis, care, or treatment, dental operation, optometric diagnosis, care, or treatment, or chiropractic diagnosis, care, or treatment, that arise from that diagnosis, care, treatment, or operation, and that seek the | 226 227 228 229 230 231 232 |

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| recovery of damages for any of the following: | 233 |
| (a) Loss of society, consortium, companionship, care, | 234 |
| assistance, attention, protection, advice, guidance, counsel, | 235 |
| instruction, training, or education, or any other intangible loss | 236 |
| that was sustained by the parent, guardian, custodian, or spouse; | 237 |
| (b) Expenditures of the parent, guardian, custodian, or | 238 |
| spouse for medical, dental, optometric, or chiropractic care or | 239 |
| treatment, for rehabilitation services, or for other care, | 240 |
| treatment, services, products, or accommodations provided to the | 241 |
| individual who was the subject of the medical diagnosis, care, or | 242 |
| treatment, the dental diagnosis, care, or treatment, the dental | 243 |
| operation, the optometric diagnosis, care, or treatment, or the | 244 |
| chiropractic diagnosis, care, or treatment. | 245 |
| (8) "Registered nurse" means any person who is licensed to | 246 |
| practice nursing as a registered nurse by the board of nursing. | 247 |
| (9) "Chiropractic claim" means any claim that is asserted in | 248 |
| any civil action against a chiropractor, or against any employee | 249 |
| or agent of a chiropractor, and that arises out of the | 250 |
| chiropractic diagnosis, care, or treatment of any person. | 251 |
| "Chiropractic claim" includes derivative claims for relief that | 252 |
| arise from the chiropractic diagnosis, care, or treatment of a | 253 |
| person. | 254 |
| (10) "Chiropractor" means any person who is licensed to | 255 |
| practice chiropractic by the state chiropractic board. | 256 |
| (11) "Optometric claim" means any claim that is asserted in | 257 |
| any civil action against an optometrist, or against any employee | 258 |
| or agent of an optometrist, and that arises out of the optometric | 259 |
| diagnosis, care, or treatment of any person. "Optometric claim" | 260 |
| includes derivative claims for relief that arise from the | 261 |
| optometric diagnosis, care, or treatment of a person. | 262 |
| (12) "Optometrist" means any person licensed to practice | 263 |

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| optometry by the state board of optometry. | 264 |
| (13) "Physical therapist" means any person who is licensed to practice physical therapy under Chapter 4755. of the Revised Code. | 265 266 |
| (14) "Home" has the same meaning as in section 3721.10 of the Revised Code. | 267 268 |
| (15) "Residential facility" means a facility licensed under section 5123.19 of the Revised Code. | 269 270 |
| (16) "Advanced practice registered nurse" means any 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. | 271 272 273 274 275 |
| (17) "Licensed practical nurse" means any person who is licensed to practice nursing as a licensed practical nurse by the board of nursing pursuant to Chapter 4723. of the Revised Code. | 276 277 278 |
| (18) "Physician assistant" means any person who holds a valid certificate to practice issued pursuant to <u>is licensed as a physician assistant under</u> Chapter 4730. of the Revised Code. | 279 280 281 |
| (19) "Emergency medical technician-basic," "emergency medical technician-intermediate," and "emergency medical technician-paramedic" means any person who is certified under Chapter 4765. of the Revised Code as an emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic, whichever is applicable. | 282 283 284 285 286 287 |
| Sec. 3701.92. As used in sections 3701.921 to 3701.929 of the Revised Code: | 288 289 |
| (A) "Advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code. | 290 291 |
| (B) "Patient centered medical home education advisory group" | 292 |

means the entity established under section 3701.924 of the Revised Code. 293
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(C) "Patient centered medical home education program" means 295
the program established under section 3701.921 of the Revised Code 296
and any pilot projects operated pursuant to that section. 297

(D) "Patient centered medical home education pilot project" 298
means the pilot project established under section 3701.923 of the 299
Revised Code. 300

(E) "Physician assistant" ~~has the same meaning as in section~~ 301
4730.01 means any person who is licensed as a physician assistant 302
under Chapter 4730. of the Revised Code. 303

Sec. 4503.44. (A) As used in this section and in section 304
4511.69 of the Revised Code: 305

(1) "Person with a disability that limits or impairs the 306
ability to walk" means any person who, as determined by a health 307
care provider, meets any of the following criteria: 308

(a) Cannot walk two hundred feet without stopping to rest; 309

(b) Cannot walk without the use of, or assistance from, a 310
brace, cane, crutch, another person, prosthetic device, 311
wheelchair, or other assistive device; 312

(c) Is restricted by a lung disease to such an extent that 313
the person's forced (respiratory) expiratory volume for one 314
second, when measured by spirometry, is less than one liter, or 315
the arterial oxygen tension is less than sixty millimeters of 316
mercury on room air at rest; 317

(d) Uses portable oxygen; 318

(e) Has a cardiac condition to the extent that the person's 319
functional limitations are classified in severity as class III or 320
class IV according to standards set by the American heart 321

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| association; | 322 |
| (f) Is severely limited in the ability to walk due to an arthritic, neurological, or orthopedic condition; | 323 324 |
| (g) Is blind. | 325 |
| (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 persons with disabilities. This definition does not apply to division (J) of this section. | 326 327 328 329 330 331 332 333 |
| (3) "Health care provider" means a physician, physician assistant, advanced practice registered nurse, or chiropractor as defined in this section. | 334 335 336 |
| (4) "Physician" means a person licensed to practice medicine or surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code. | 337 338 339 |
| (5) "Chiropractor" means a person licensed to practice chiropractic under Chapter 4734. of the Revised Code. | 340 341 |
| (6) "Advanced practice registered nurse" means 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. | 342 343 344 345 346 |
| (7) "Physician assistant" means a person who holds a certificate to practice as a physician assistant issued is <u>licensed as a physician assistant</u> under Chapter 4730. of the Revised Code. | 347 348 349 350 |
| (B) Any organization or person with a disability that limits | 351 |

or impairs the ability to walk may apply to the registrar of motor 352
vehicles for a removable windshield placard or, if the person owns 353
or leases a motor vehicle, the person may apply for the 354
registration of any motor vehicle the person owns or leases. In 355
addition to one or more sets of license plates or one placard, a 356
person with a disability that limits or impairs the ability to 357
walk is entitled to one additional placard, but only if the person 358
applies separately for the additional placard, states the reasons 359
why the additional placard is needed, and the registrar, in the 360
registrar's discretion, determines that good and justifiable cause 361
exists to approve the request for the additional placard. When a 362
motor vehicle has been altered for the purpose of providing it 363
with special equipment for a person with a disability that limits 364
or impairs the ability to walk, but is owned or leased by someone 365
other than such a person, the owner or lessee may apply to the 366
registrar or a deputy registrar for registration under this 367
section. The application for registration of a motor vehicle owned 368
or leased by a person with a disability that limits or impairs the 369
ability to walk shall be accompanied by a signed statement from 370
the applicant's health care provider certifying that the applicant 371
meets at least one of the criteria contained in division (A)(1) of 372
this section and that the disability is expected to continue for 373
more than six consecutive months. The application for a removable 374
windshield placard made by a person with a disability that limits 375
or impairs the ability to walk shall be accompanied by a 376
prescription from the applicant's health care provider prescribing 377
such a placard for the applicant, provided that the applicant 378
meets at least one of the criteria contained in division (A)(1) of 379
this section. The health care provider shall state on the 380
prescription the length of time the health care provider expects 381
the applicant to have the disability that limits or impairs the 382
applicant's ability to walk. The application for a removable 383
windshield placard made by an organization shall be accompanied by 384

such documentary evidence of regular transport of persons with 385
disabilities that limit or impair the ability to walk by the 386
organization as the registrar may require by rule and shall be 387
completed in accordance with procedures that the registrar may 388
require by rule. The application for registration of a motor 389
vehicle that has been altered for the purpose of providing it with 390
special equipment for a person with a disability that limits or 391
impairs the ability to walk but is owned by someone other than 392
such a person shall be accompanied by such documentary evidence of 393
vehicle alterations as the registrar may require by rule. 394

(C) When an organization, a person with a disability that 395
limits or impairs the ability to walk, or a person who does not 396
have a disability that limits or impairs the ability to walk but 397
owns a motor vehicle that has been altered for the purpose of 398
providing it with special equipment for a person with a disability 399
that limits or impairs the ability to walk first submits an 400
application for registration of a motor vehicle under this section 401
and every fifth year thereafter, the organization or person shall 402
submit a signed statement from the applicant's health care 403
provider, a completed application, and any required documentary 404
evidence of vehicle alterations as provided in division (B) of 405
this section, and also a power of attorney from the owner of the 406
motor vehicle if the applicant leases the vehicle. Upon submission 407
of these items, the registrar or deputy registrar shall issue to 408
the applicant appropriate vehicle registration and a set of 409
license plates and validation stickers, or validation stickers 410
alone when required by section 4503.191 of the Revised Code. In 411
addition to the letters and numbers ordinarily inscribed thereon, 412
the license plates shall be imprinted with the international 413
symbol of access. The license plates and validation stickers shall 414
be issued upon payment of the regular license fee as prescribed 415
under section 4503.04 of the Revised Code and any motor vehicle 416
tax levied under Chapter 4504. of the Revised Code, and the 417

payment of a service fee equal to the amount specified in division 418
(D) or (G) of section 4503.10 of the Revised Code. 419

(D)(1) Upon receipt of a completed and signed application for 420
a removable windshield placard, a prescription as described in 421
division (B) of this section, documentary evidence of regular 422
transport of persons with disabilities that limit or impair the 423
ability to walk, if required, and payment of a service fee equal 424
to the amount specified in division (D) or (G) of section 4503.10 425
of the Revised Code, the registrar or deputy registrar shall issue 426
to the applicant a removable windshield placard, which shall bear 427
the date of expiration on both sides of the placard and shall be 428
valid until expired, revoked, or surrendered. Every removable 429
windshield placard expires as described in division (D)(2) of this 430
section, but in no case shall a removable windshield placard be 431
valid for a period of less than sixty days. Removable windshield 432
placards shall be renewable upon application as provided in 433
division (B) of this section, and a service fee equal to the 434
amount specified in division (D) or (G) of section 4503.10 of the 435
Revised Code shall be charged for the renewal of a removable 436
windshield placard. The registrar shall provide the application 437
form and shall determine the information to be included thereon. 438
The registrar also shall determine the form and size of the 439
removable windshield placard, the material of which it is to be 440
made, and any other information to be included thereon, and shall 441
adopt rules relating to the issuance, expiration, revocation, 442
surrender, and proper display of such placards. Any placard issued 443
after October 14, 1999, shall be manufactured in a manner that 444
allows the expiration date of the placard to be indicated on it 445
through the punching, drilling, boring, or creation by any other 446
means of holes in the placard. 447

(2) At the time a removable windshield placard is issued to a 448
person with a disability that limits or impairs the ability to 449

walk, the registrar or deputy registrar shall enter into the 450
records of the bureau of motor vehicles the last date on which the 451
person will have that disability, as indicated on the accompanying 452
prescription. Not less than thirty days prior to that date and all 453
removable windshield placard renewal dates, the bureau shall send 454
a renewal notice to that person at the person's last known address 455
as shown in the records of the bureau, informing the person that 456
the person's removable windshield placard will expire on the 457
indicated date not to exceed five years from the date of issuance, 458
and that the person is required to renew the placard by submitting 459
to the registrar or a deputy registrar another prescription, as 460
described in division (B) of this section, and by complying with 461
the renewal provisions prescribed in division (D)(1) of this 462
section. If such a prescription is not received by the registrar 463
or a deputy registrar by that date, the placard issued to that 464
person expires and no longer is valid, and this fact shall be 465
recorded in the records of the bureau. 466

(3) At least once every year, on a date determined by the 467
registrar, the bureau shall examine the records of the office of 468
vital statistics, located within the department of health, that 469
pertain to deceased persons, and also the bureau's records of all 470
persons who have been issued removable windshield placards and 471
temporary removable windshield placards. If the records of the 472
office of vital statistics indicate that a person to whom a 473
removable windshield placard or temporary removable windshield 474
placard has been issued is deceased, the bureau shall cancel that 475
placard, and note the cancellation in its records. 476

The office of vital statistics shall make available to the 477
bureau all information necessary to enable the bureau to comply 478
with division (D)(3) of this section. 479

(4) Nothing in this section shall be construed to require a 480
person or organization to apply for a removable windshield placard 481

or special license plates if the parking card or special license 482
plates issued to the person or organization under prior law have 483
not expired or been surrendered or revoked. 484

(E)(1)(a) Any person with a disability that limits or impairs 485
the ability to walk may apply to the registrar or a deputy 486
registrar for a temporary removable windshield placard. The 487
application for a temporary removable windshield placard shall be 488
accompanied by a prescription from the applicant's health care 489
provider prescribing such a placard for the applicant, provided 490
that the applicant meets at least one of the criteria contained in 491
division (A)(1) of this section and that the disability is 492
expected to continue for six consecutive months or less. The 493
health care provider shall state on the prescription the length of 494
time the health care provider expects the applicant to have the 495
disability that limits or impairs the applicant's ability to walk, 496
which cannot exceed six months from the date of the prescription. 497
Upon receipt of an application for a temporary removable 498
windshield placard, presentation of the prescription from the 499
applicant's health care provider, and payment of a service fee 500
equal to the amount specified in division (D) or (G) of section 501
4503.10 of the Revised Code, the registrar or deputy registrar 502
shall issue to the applicant a temporary removable windshield 503
placard. 504

(b) Any active-duty member of the armed forces of the United 505
States, including the reserve components of the armed forces and 506
the national guard, who has an illness or injury that limits or 507
impairs the ability to walk may apply to the registrar or a deputy 508
registrar for a temporary removable windshield placard. With the 509
application, the person shall present evidence of the person's 510
active-duty status and the illness or injury. Evidence of the 511
illness or injury may include a current department of defense 512
convalescent leave statement, any department of defense document 513

indicating that the person currently has an ill or injured 514
casualty status or has limited duties, or a prescription from any 515
health care provider prescribing the placard for the applicant. 516
Upon receipt of the application and the necessary evidence, the 517
registrar or deputy registrar shall issue the applicant the 518
temporary removable windshield placard without the payment of any 519
service fee. 520

(2) The temporary removable windshield placard shall be of 521
the same size and form as the removable windshield placard, shall 522
be printed in white on a red-colored background, and shall bear 523
the word "temporary" in letters of such size as the registrar 524
shall prescribe. A temporary removable windshield placard also 525
shall bear the date of expiration on the front and back of the 526
placard, and shall be valid until expired, surrendered, or 527
revoked, but in no case shall such a placard be valid for a period 528
of less than sixty days. The registrar shall provide the 529
application form and shall determine the information to be 530
included on it, provided that the registrar shall not require a 531
health care provider's prescription or certification for a person 532
applying under division (E)(1)(b) of this section. The registrar 533
also shall determine the material of which the temporary removable 534
windshield placard is to be made and any other information to be 535
included on the placard and shall adopt rules relating to the 536
issuance, expiration, surrender, revocation, and proper display of 537
those placards. Any temporary removable windshield placard issued 538
after October 14, 1999, shall be manufactured in a manner that 539
allows for the expiration date of the placard to be indicated on 540
it through the punching, drilling, boring, or creation by any 541
other means of holes in the placard. 542

(F) If an applicant for a removable windshield placard is a 543
veteran of the armed forces of the United States whose disability, 544
as defined in division (A)(1) of this section, is 545

service-connected, the registrar or deputy registrar, upon receipt 546
of the application, presentation of a signed statement from the 547
applicant's health care provider certifying the applicant's 548
disability, and presentation of such documentary evidence from the 549
department of veterans affairs that the disability of the 550
applicant meets at least one of the criteria identified in 551
division (A)(1) of this section and is service-connected as the 552
registrar may require by rule, but without the payment of any 553
service fee, shall issue the applicant a removable windshield 554
placard that is valid until expired, surrendered, or revoked. 555

(G) Upon a conviction of a violation of division (I), (J), or 556
(K) of this section, the court shall report the conviction, and 557
send the placard or parking card, if available, to the registrar, 558
who thereupon shall revoke the privilege of using the placard or 559
parking card and send notice in writing to the placardholder or 560
cardholder at that holder's last known address as shown in the 561
records of the bureau, and the placardholder or cardholder shall 562
return the placard or card if not previously surrendered to the 563
court, to the registrar within ten days following mailing of the 564
notice. 565

Whenever a person to whom a removable windshield placard or 566
parking card has been issued moves to another state, the person 567
shall surrender the placard or card to the registrar; and whenever 568
an organization to which a placard or card has been issued changes 569
its place of operation to another state, the organization shall 570
surrender the placard or card to the registrar. 571

(H) Subject to division (F) of section 4511.69 of the Revised 572
Code, the operator of a motor vehicle displaying a removable 573
windshield placard, temporary removable windshield placard, 574
parking card, or the special license plates authorized by this 575
section is entitled to park the motor vehicle in any special 576
parking location reserved for persons with disabilities that limit 577

or impair the ability to walk, also known as handicapped parking 578
spaces or disability parking spaces. 579

(I) No person or organization that is not eligible under 580
division (B) or (E) of this section shall willfully and falsely 581
represent that the person or organization is so eligible. 582

No person or organization shall display license plates issued 583
under this section unless the license plates have been issued for 584
the vehicle on which they are displayed and are valid. 585

(J) No person or organization to which a removable windshield 586
placard or temporary removable windshield placard is issued shall 587
do either of the following: 588

(1) Display or permit the display of the placard on any motor 589
vehicle when having reasonable cause to believe the motor vehicle 590
is being used in connection with an activity that does not include 591
providing transportation for persons with disabilities that limit 592
or impair the ability to walk; 593

(2) Refuse to return or surrender the placard, when required. 594

(K)(1) No person or organization to which a parking card is 595
issued shall do either of the following: 596

(a) Display or permit the display of the parking card on any 597
motor vehicle when having reasonable cause to believe the motor 598
vehicle is being used in connection with an activity that does not 599
include providing transportation for a person with a disability; 600

(b) Refuse to return or surrender the parking card, when 601
required. 602

(2) As used in division (K) of this section: 603

(a) "Person with a disability" means any person who has lost 604
the use of one or both legs or one or both arms, who is blind, 605
deaf, or so severely disabled as to be unable to move about 606
without the aid of crutches or a wheelchair, or whose mobility is 607

restricted by a permanent cardiovascular, pulmonary, or other 608
disabling condition. 609

(b) "Organization" means any private organization or 610
corporation, or any governmental board, agency, department, 611
division, or office, that, as part of its business or program, 612
transports persons with disabilities on a regular basis in a motor 613
vehicle that has not been altered for the purposes of providing it 614
with special equipment for use by persons with disabilities. 615

(L) If a removable windshield placard, temporary removable 616
windshield placard, or parking card is lost, destroyed, or 617
mutilated, the placardholder or cardholder may obtain a duplicate 618
by doing both of the following: 619

(1) Furnishing suitable proof of the loss, destruction, or 620
mutilation to the registrar; 621

(2) Paying a service fee equal to the amount specified in 622
division (D) or (G) of section 4503.10 of the Revised Code. 623

Any placardholder or cardholder who loses a placard or card 624
and, after obtaining a duplicate, finds the original, immediately 625
shall surrender the original placard or card to the registrar. 626

(M) The registrar shall pay all fees received under this 627
section for the issuance of removable windshield placards or 628
temporary removable windshield placards or duplicate removable 629
windshield placards or cards into the state treasury to the credit 630
of the state bureau of motor vehicles fund created in section 631
4501.25 of the Revised Code. 632

(N) In addition to the fees collected under this section, the 633
registrar or deputy registrar shall ask each person applying for a 634
removable windshield placard or temporary removable windshield 635
placard or duplicate removable windshield placard or license plate 636
issued under this section, whether the person wishes to make a 637
two-dollar voluntary contribution to support rehabilitation 638

employment services. The registrar shall transmit the 639
contributions received under this division to the treasurer of 640
state for deposit into the rehabilitation employment fund, which 641
is hereby created in the state treasury. A deputy registrar shall 642
transmit the contributions received under this division to the 643
registrar in the time and manner prescribed by the registrar. The 644
contributions in the fund shall be used by the opportunities for 645
Ohioans with disabilities agency to purchase services related to 646
vocational evaluation, work adjustment, personal adjustment, job 647
placement, job coaching, and community-based assessment from 648
accredited community rehabilitation program facilities. 649

(O) For purposes of enforcing this section, every peace 650
officer is deemed to be an agent of the registrar. Any peace 651
officer or any authorized employee of the bureau of motor vehicles 652
who, in the performance of duties authorized by law, becomes aware 653
of a person whose placard or parking card has been revoked 654
pursuant to this section, may confiscate that placard or parking 655
card and return it to the registrar. The registrar shall prescribe 656
any forms used by law enforcement agencies in administering this 657
section. 658

No peace officer, law enforcement agency employing a peace 659
officer, or political subdivision or governmental agency employing 660
a peace officer, and no employee of the bureau is liable in a 661
civil action for damages or loss to persons arising out of the 662
performance of any duty required or authorized by this section. As 663
used in this division, "peace officer" has the same meaning as in 664
division (B) of section 2935.01 of the Revised Code. 665

(P) All applications for registration of motor vehicles, 666
removable windshield placards, and temporary removable windshield 667
placards issued under this section, all renewal notices for such 668
items, and all other publications issued by the bureau that relate 669
to this section shall set forth the criminal penalties that may be 670

imposed upon a person who violates any provision relating to 671
special license plates issued under this section, the parking of 672
vehicles displaying such license plates, and the issuance, 673
procurement, use, and display of removable windshield placards and 674
temporary removable windshield placards issued under this section. 675

(Q) Whoever violates this section is guilty of a misdemeanor 676
of the fourth degree. 677

Sec. 4729.01. As used in this chapter: 678

(A) "Pharmacy," except when used in a context that refers to 679
the practice of pharmacy, means any area, room, rooms, place of 680
business, department, or portion of any of the foregoing where the 681
practice of pharmacy is conducted. 682

(B) "Practice of pharmacy" means providing pharmacist care 683
requiring specialized knowledge, judgment, and skill derived from 684
the principles of biological, chemical, behavioral, social, 685
pharmaceutical, and clinical sciences. As used in this division, 686
"pharmacist care" includes the following: 687

(1) Interpreting prescriptions; 688

(2) Dispensing drugs and drug therapy related devices; 689

(3) Compounding drugs; 690

(4) Counseling individuals with regard to their drug therapy, 691
recommending drug therapy related devices, and assisting in the 692
selection of drugs and appliances for treatment of common diseases 693
and injuries and providing instruction in the proper use of the 694
drugs and appliances; 695

(5) Performing drug regimen reviews with individuals by 696
discussing all of the drugs that the individual is taking and 697
explaining the interactions of the drugs; 698

(6) Performing drug utilization reviews with licensed health 699

professionals authorized to prescribe drugs when the pharmacist 700
determines that an individual with a prescription has a drug 701
regimen that warrants additional discussion with the prescriber; 702

(7) Advising an individual and the health care professionals 703
treating an individual with regard to the individual's drug 704
therapy; 705

(8) Acting pursuant to a consult agreement with a physician 706
authorized under Chapter 4731. of the Revised Code to practice 707
medicine and surgery or osteopathic medicine and surgery, if an 708
agreement has been established with the physician; 709

(9) Engaging in the administration of immunizations to the 710
extent authorized by section 4729.41 of the Revised Code. 711

(C) "Compounding" means the preparation, mixing, assembling, 712
packaging, and labeling of one or more drugs in any of the 713
following circumstances: 714

(1) Pursuant to a prescription issued by a licensed health 715
professional authorized to prescribe drugs; 716

(2) Pursuant to the modification of a prescription made in 717
accordance with a consult agreement; 718

(3) As an incident to research, teaching activities, or 719
chemical analysis; 720

(4) In anticipation of orders for drugs pursuant to 721
prescriptions, based on routine, regularly observed dispensing 722
patterns; 723

(5) Pursuant to a request made by a licensed health 724
professional authorized to prescribe drugs for a drug that is to 725
be used by the professional for the purpose of direct 726
administration to patients in the course of the professional's 727
practice, if all of the following apply: 728

(a) At the time the request is made, the drug is not 729

commercially available regardless of the reason that the drug is 730
not available, including the absence of a manufacturer for the 731
drug or the lack of a readily available supply of the drug from a 732
manufacturer. 733

(b) A limited quantity of the drug is compounded and provided 734
to the professional. 735

(c) The drug is compounded and provided to the professional 736
as an occasional exception to the normal practice of dispensing 737
drugs pursuant to patient-specific prescriptions. 738

(D) "Consult agreement" means an agreement to manage an 739
individual's drug therapy that has been entered into by a 740
pharmacist and a physician authorized under Chapter 4731. of the 741
Revised Code to practice medicine and surgery or osteopathic 742
medicine and surgery. 743

(E) "Drug" means: 744

(1) Any article recognized in the United States pharmacopoeia 745
and national formulary, or any supplement to them, intended for 746
use in the diagnosis, cure, mitigation, treatment, or prevention 747
of disease in humans or animals; 748

(2) Any other article intended for use in the diagnosis, 749
cure, mitigation, treatment, or prevention of disease in humans or 750
animals; 751

(3) Any article, other than food, intended to affect the 752
structure or any function of the body of humans or animals; 753

(4) Any article intended for use as a component of any 754
article specified in division (E)(1), (2), or (3) of this section; 755
but does not include devices or their components, parts, or 756
accessories. 757

(F) "Dangerous drug" means any of the following: 758

(1) Any drug to which either of the following applies: 759

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;

(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.

(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply;

(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body.

(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.

(H) "Prescription" means a written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs.

(I) "Licensed health professional authorized to prescribe drugs" or "prescriber" means an individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice, including only the following:

(1) A dentist licensed under Chapter 4715. of the Revised Code;

(2) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe

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| issued under section 4723.48 of the Revised Code; | 790 |
| (3) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry under a therapeutic pharmaceutical agents certificate; | 791 792 793 |
| (4) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery; | 794 795 796 |
| (5) A physician assistant who holds a certificate to prescribe valid prescriber number issued under Chapter 4730. of the Revised Code by the state medical board and has been granted <u>physician-delegated prescriptive authority</u> ; | 797 798 799 800 |
| (6) A veterinarian licensed under Chapter 4741. of the Revised Code. | 801 802 |
| (J) "Sale" and "sell" include delivery, transfer, barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal proprietor, agent, or employee. | 803 804 805 806 |
| (K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser. | 807 808 809 |
| (L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale. | 810 811 |
| (M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish responsibility. | 812 813 814 815 816 |
| (N) "Price information" means the price charged for a prescription for a particular drug product and, in an easily understandable manner, all of the following: | 817 818 819 |

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| (1) The proprietary name of the drug product; | 820 |
| (2) The established (generic) name of the drug product; | 821 |
| (3) The strength of the drug product if the product contains a single active ingredient or if the drug product contains more than one active ingredient and a relevant strength can be associated with the product without indicating each active ingredient. The established name and quantity of each active ingredient are required if such a relevant strength cannot be so associated with a drug product containing more than one ingredient. | 822 823 824 825 826 827 828 829 |
| (4) The dosage form; | 830 |
| (5) The price charged for a specific quantity of the drug product. The stated price shall include all charges to the consumer, including, but not limited to, the cost of the drug product, professional fees, handling fees, if any, and a statement identifying professional services routinely furnished by the pharmacy. Any mailing fees and delivery fees may be stated separately without repetition. The information shall not be false or misleading. | 831 832 833 834 835 836 837 838 |
| (O) "Wholesale distributor of dangerous drugs" means a person engaged in the sale of dangerous drugs at wholesale and includes any agent or employee of such a person authorized by the person to engage in the sale of dangerous drugs at wholesale. | 839 840 841 842 |
| (P) "Manufacturer of dangerous drugs" means a person, other than a pharmacist, who manufactures dangerous drugs and who is engaged in the sale of those dangerous drugs within this state. | 843 844 845 |
| (Q) "Terminal distributor of dangerous drugs" means a person who is engaged in the sale of dangerous drugs at retail, or any person, other than a wholesale distributor or a pharmacist, who has possession, custody, or control of dangerous drugs for any purpose other than for that person's own use and consumption, and | 846 847 848 849 850 |

includes pharmacies, hospitals, nursing homes, and laboratories 851
and all other persons who procure dangerous drugs for sale or 852
other distribution by or under the supervision of a pharmacist or 853
licensed health professional authorized to prescribe drugs. 854

(R) "Promote to the public" means disseminating a 855
representation to the public in any manner or by any means, other 856
than by labeling, for the purpose of inducing, or that is likely 857
to induce, directly or indirectly, the purchase of a dangerous 858
drug at retail. 859

(S) "Person" includes any individual, partnership, 860
association, limited liability company, or corporation, the state, 861
any political subdivision of the state, and any district, 862
department, or agency of the state or its political subdivisions. 863

(T) "Finished dosage form" has the same meaning as in section 864
3715.01 of the Revised Code. 865

(U) "Generically equivalent drug" has the same meaning as in 866
section 3715.01 of the Revised Code. 867

(V) "Animal shelter" means a facility operated by a humane 868
society or any society organized under Chapter 1717. of the 869
Revised Code or a dog pound operated pursuant to Chapter 955. of 870
the Revised Code. 871

(W) "Food" has the same meaning as in section 3715.01 of the 872
Revised Code. 873

(X) "Pain management clinic" has the same meaning as in 874
section 4731.054 of the Revised Code. 875

Sec. 4730.01. As used in this chapter: 876

~~(A) "Physician assistant" means a skilled person qualified by 877
academic and clinical training to provide services to patients as 878
a physician assistant under the supervision, control, and 879
direction of one or more physicians who are responsible for the 880~~

~~physician assistant's performance.~~ 881

~~(B)~~ "Physician" means an individual who is authorized under 882
Chapter 4731. of the Revised Code to practice medicine and 883
surgery, osteopathic medicine and surgery, or podiatric medicine 884
and surgery. 885

~~(C)~~(B) "Health care facility" means any of the following: 886

(1) A hospital registered with the department of health under 887
section 3701.07 of the Revised Code; 888

(2) A health care facility licensed by the department of 889
health under section 3702.30 of the Revised Code; 890

(3) Any other facility designated by the state medical board 891
in rules adopted pursuant to division (B)~~(2)~~ of section 4730.08 of 892
the Revised Code. 893

~~(D) "Special services" means the health care services that a 894
physician assistant may be authorized to provide under the special 895
services portion of a physician supervisory plan approved under 896
section 4730.17 of the Revised Code (C) "Service" means a medical 897
activity that requires training in the diagnosis, treatment, or 898
prevention of disease. 899~~

Sec. 4730.02. (A) No person shall hold that person out as 900
being able to function as a physician assistant, or use any words 901
or letters indicating or implying that the person is a physician 902
assistant, without a current, valid certificate license to 903
practice as a physician assistant issued pursuant to this chapter. 904

(B) No person shall practice as a physician assistant without 905
the supervision, control, and direction of a physician. 906

~~(C) No person shall act as the supervising physician of a 907
physician assistant without having received the state medical 908
board's approval of a supervision agreement entered into with the 909
physician assistant. 910~~

~~(D)~~ No person shall practice as a physician assistant without 911
having entered into a supervision agreement ~~that has been approved~~ 912
~~by the state medical board~~ with a supervising physician under 913
section 4730.19 of the Revised Code. 914

~~(E)~~(D) No person acting as the supervising physician of a 915
physician assistant shall authorize the physician assistant to 916
perform services if either of the following is the case: 917

(1) The services are not within the physician's normal course 918
of practice and expertise; 919

(2) The services are inconsistent with the ~~physician~~ 920
~~supervisory plan approved by the state medical board for the~~ 921
~~supervising physician or~~ supervision agreement under which the 922
physician assistant is being supervised, including, if applicable, 923
the policies of the health care facility in which the physician 924
and physician assistant are practicing. 925

~~(F)~~ No person shall practice as a physician assistant in a 926
manner that is inconsistent with the physician supervisory plan 927
approved for the physician who is responsible for supervising the 928
physician assistant or the policies of the health care facility in 929
which the physician assistant is practicing. 930

~~(G)~~(E) No person practicing as a physician assistant shall 931
prescribe any drug or device to perform or induce an abortion, or 932
otherwise perform or induce an abortion. 933

~~(H)~~(F) No person shall advertise to provide services as a 934
physician assistant, except for the purpose of seeking employment. 935

~~(I)~~(G) No person practicing as a physician assistant shall 936
fail to wear at all times when on duty a placard, plate, or other 937
device identifying that person as a "physician assistant." 938

Sec. 4730.03. Nothing in this chapter shall: 939

(A) Be construed to affect or interfere with the performance 940

of duties of any medical personnel who are either of the 941
following: 942

(1) In active service in the army, navy, coast guard, marine 943
corps, air force, public health service, or marine hospital 944
service of the United States while so serving; 945

(2) Employed by the veterans administration of the United 946
States while so employed; 947

(B) Prevent any person from performing any of the services a 948
physician assistant may be authorized to perform, if the person's 949
professional scope of practice established under any other chapter 950
of the Revised Code authorizes the person to perform the services; 951

(C) Prohibit a physician from delegating responsibilities to 952
any nurse or other qualified person who does not hold a 953
~~certificate~~ license to practice as a physician assistant, provided 954
that the individual does not hold the individual out to be a 955
physician assistant; 956

(D) Be construed as authorizing a physician assistant 957
independently to order or direct the execution of procedures or 958
techniques by a registered nurse or licensed practical nurse in 959
the care and treatment of a person in any setting, except to the 960
extent that the physician assistant is authorized to do so by ~~the~~ 961
~~physician supervisory plan approved under section 4730.17 of the~~ 962
~~Revised Code for the~~ a physician who is responsible for 963
supervising the physician assistant ~~or~~ and, if applicable, the 964
policies of the health care facility in which the physician 965
assistant is practicing; 966

(E) Authorize a physician assistant to engage in the practice 967
of optometry, except to the extent that the physician assistant is 968
authorized by a supervising physician acting in accordance with 969
this chapter to perform routine visual screening, provide medical 970
care prior to or following eye surgery, or assist in the care of 971

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| diseases of the eye; | 972 |
| (F) Be construed as authorizing a physician assistant to | 973 |
| prescribe any drug or device to perform or induce an abortion, or | 974 |
| as otherwise authorizing a physician assistant to perform or | 975 |
| induce an abortion. | 976 |
| Sec. 4730.04. (A) As used in this section: | 977 |
| (1) "Disaster" means any imminent threat or actual occurrence | 978 |
| of widespread or severe damage to or loss of property, personal | 979 |
| hardship or injury, or loss of life that results from any natural | 980 |
| phenomenon or act of a human. | 981 |
| (2) "Emergency" means an occurrence or event that poses an | 982 |
| imminent threat to the health or life of a human. | 983 |
| (B) Nothing in this chapter prohibits any of the following | 984 |
| individuals from providing medical care, to the extent the | 985 |
| individual is able, in response to a need for medical care | 986 |
| precipitated by a disaster or emergency: | 987 |
| (1) An individual who holds a certificate <u>license</u> to practice | 988 |
| as a physician assistant issued under this chapter; | 989 |
| (2) An individual licensed or authorized to practice as a | 990 |
| physician assistant in another state; | 991 |
| (3) An individual credentialed or employed as a physician | 992 |
| assistant by an agency, office, or other instrumentality of the | 993 |
| federal government. | 994 |
| (C) For purposes of the medical care provided by a physician | 995 |
| assistant pursuant to division (B)(1) of this section, both of the | 996 |
| following apply notwithstanding any supervision requirement of | 997 |
| this chapter to the contrary: | 998 |
| (1) The physician who supervises the physician assistant | 999 |
| pursuant to a physician supervisory plan approved by the state | 1000 |

~~medical board under section 4730.17 of the Revised Code~~ 1001
~~supervision agreement entered into under section 4730.19 of the~~ 1002
~~Revised Code~~ is not required to meet the supervision requirements 1003
established under this chapter. 1004

(2) The physician designated as the medical director of the 1005
disaster or emergency may supervise the medical care provided by 1006
the physician assistant. 1007

Sec. 4730.06. (A) The physician assistant policy committee of 1008
the state medical board shall review, and shall submit to the 1009
board recommendations concerning, all of the following: 1010

(1) Requirements for ~~issuance of certificates~~ issuing a 1011
license to practice as a physician assistant, including the 1012
educational requirements that must be met to receive a ~~certificate~~ 1013
license to practice; 1014

(2) Existing and proposed rules pertaining to the practice of 1015
physician assistants, the supervisory relationship between 1016
physician assistants and supervising physicians, and the 1017
administration and enforcement of this chapter; 1018

(3) In accordance with section 4730.38 of the Revised Code, 1019
physician-delegated prescriptive authority for physician 1020
assistants and proposed changes to the physician assistant 1021
formulary the board adopts pursuant to division (A)(1) of section 1022
4730.39 of the Revised Code; 1023

(4) Application procedures and forms for ~~certificates a~~ 1024
license to practice as a physician assistant, ~~physician~~ 1025
~~supervisory plans, and supervision agreements;~~ 1026

(5) Fees required by this chapter for issuance and renewal of 1027
~~certificates a~~ license to practice as a physician assistant; 1028

(6) ~~Criteria to be included in applications submitted to the~~ 1029
~~board for approval of physician supervisory plans, including~~ 1030

~~criteria to be included in applications for approval to delegate to physician assistants the performance of special services;~~ 1031
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~~(7) Criteria to be included in supervision agreements submitted to the board for approval and renewal of the board's approval;~~ 1033
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~~(8) Any issue the board asks the committee to consider.~~ 1036

(B) In addition to the matters that are required to be reviewed under division (A) of this section, the committee may review, and may submit to the board recommendations concerning, either or both of the following:

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~~(1) Quality quality assurance activities to be performed by a supervising physician and physician assistant under a quality assurance system established pursuant to division (F) of section 4730.21 of the Revised Code;~~ 1041
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~~(2) The development and approval of one or more model physician supervisory plans and one or more models for a special services portion of the one or more model physician supervisory plans. The committee may submit recommendations for model plans that reflect various medical specialties.~~ 1045
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(C) The board shall take into consideration all recommendations submitted by the committee. Not later than ninety days after receiving a recommendation from the committee, the board shall approve or disapprove the recommendation and notify the committee of its decision. If a recommendation is disapproved, the board shall inform the committee of its reasons for making that decision. The committee may resubmit the recommendation after addressing the concerns expressed by the board and modifying the disapproved recommendation accordingly. Not later than ninety days after receiving a resubmitted recommendation, the board shall approve or disapprove the recommendation. There is no limit on the number of times the committee may resubmit a recommendation for

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consideration by the board. 1062

(D)(1) Except as provided in division (D)(2) of this section, 1063
the board may not take action regarding a matter that is subject 1064
to the committee's review under division (A) or (B) of this 1065
section unless the committee has made a recommendation to the 1066
board concerning the matter. 1067

(2) If the board submits to the committee a request for a 1068
recommendation regarding a matter that is subject to the 1069
committee's review under division (A) or (B) of this section, and 1070
the committee does not provide a recommendation before the 1071
sixty-first day after the request is submitted, the board may take 1072
action regarding the matter without a recommendation. 1073

Sec. 4730.08. (A) A ~~certificate~~ license to practice as a 1074
physician assistant issued under this chapter authorizes the 1075
holder to practice as a physician assistant, ~~subject to all of the~~ 1076
~~following as follows:~~ 1077

(1) The physician assistant shall practice only under the 1078
supervision, control, and direction of a physician with whom the 1079
physician assistant has entered into a supervision agreement 1080
~~approved by the state medical board~~ under section ~~4730.17~~ 4730.19 1081
of the Revised Code. 1082

(2) ~~When the physician assistant practices outside a health~~ 1083
~~care facility, the~~ The physician assistant shall practice in 1084
accordance with the ~~physician supervisory plan approved under~~ 1085
~~section 4730.17 of the Revised Code for~~ supervision agreement 1086
entered into with the physician who is responsible for supervising 1087
the physician assistant. 1088

(3) ~~When the physician assistant practices within a health~~ 1089
~~care facility, the physician assistant shall practice in~~ 1090
~~accordance with, including, if applicable, the policies of the~~ 1091

health care facility in which the physician assistant is 1092
practicing. 1093

~~(B) For purposes of division (A) of this section and all~~ 1094
~~other provisions of this chapter pertaining to the practice of a~~ 1095
~~physician assistant under the policies of a health care facility,~~ 1096
~~both of the following apply:~~ 1097

~~(1) A physician who is supervising a physician assistant~~ 1098
~~within a health care facility may impose limitations on the~~ 1099
~~physician assistant's practice that are in addition to any~~ 1100
~~limitations applicable under the policies of the facility.~~ 1101

~~(2) The state medical board may, subject to division (D) of~~ 1102
~~section 4730.06 of the Revised Code, adopt rules designating~~ 1103
~~facilities to be included as health care facilities that are in~~ 1104
~~addition to the facilities specified in divisions ~~(C)~~(B)(1) and~~ 1105
~~(2) of section 4730.01 of the Revised Code. The Any rules adopted~~ 1106
~~shall be adopted in accordance with Chapter 119. of the Revised~~ 1107
~~Code.~~ 1108

Sec. 4730.10. (A) An individual seeking a certificate license 1109
to practice as a physician assistant shall file with the state 1110
medical board a written application on a form prescribed and 1111
supplied by the board. The application shall include all of the 1112
following: 1113

(1) The applicant's name, residential address, business 1114
address, if any, and social security number; 1115

(2) Satisfactory proof that the applicant meets the age and 1116
moral character requirements specified in divisions (A)(1) and (2) 1117
of section 4730.11 of the Revised Code; 1118

(3) Satisfactory proof that the applicant meets either the 1119
educational requirements specified in division (B)(1) or (2) of 1120
section 4730.11 of the Revised Code or the educational or other 1121

applicable requirements specified in division (C)(1), (2), or (3) 1122
of that section; 1123

(4) Any other information the board requires. 1124

(B) At the time of making application for a ~~certificate~~ 1125
license to practice, the applicant shall pay the board a fee of 1126
~~two~~ five hundred dollars, no part of which shall be returned. The 1127
fees shall be deposited in accordance with section 4731.24 of the 1128
Revised Code. 1129

Sec. 4730.101. In addition to any other eligibility 1130
requirement set forth in this chapter, each applicant for a 1131
~~certificate~~ license to practice as a physician assistant shall 1132
comply with sections 4776.01 to 4776.04 of the Revised Code. The 1133
state medical board shall not grant to an applicant a ~~certificate~~ 1134
license to practice as a physician assistant unless the board, in 1135
its discretion, decides that the results of the criminal records 1136
check do not make the applicant ineligible for a ~~certificate~~ 1137
license issued pursuant to section 4730.12 of the Revised Code. 1138

Sec. 4730.11. (A) To be eligible to receive a ~~certificate~~ 1139
license to practice as a physician assistant, all of the following 1140
apply to an applicant: 1141

(1) The applicant shall be at least eighteen years of age. 1142

(2) The applicant shall be of good moral character. 1143

(3) The applicant shall hold current certification by the 1144
national commission on certification of physician assistants or a 1145
successor organization that is recognized by the state medical 1146
board. 1147

(4) The applicant shall meet either of the following 1148
requirements: 1149

(a) The educational requirements specified in division (B)(1) 1150

or (2) of this section; 1151

(b) The educational or other applicable requirements 1152
specified in division (C)(1), (2), or (3) of this section. 1153

(B) Effective January 1, 2008, for purposes of division 1154
(A)(4)(a) of this section, an applicant shall meet either of the 1155
following educational requirements: 1156

(1) The applicant shall hold a master's or higher degree 1157
obtained from a program accredited by the accreditation review 1158
commission on education for the physician assistant or a 1159
predecessor or successor organization recognized by the board. 1160

(2) The applicant shall hold both of the following degrees: 1161

(a) A degree other than a master's or higher degree obtained 1162
from a program accredited by the accreditation review commission 1163
on education for the physician assistant or a predecessor or 1164
successor organization recognized by the board; 1165

(b) A master's or higher degree in a course of study with 1166
clinical relevance to the practice of physician assistants and 1167
obtained from a program accredited by a regional or specialized 1168
and professional accrediting agency recognized by the council for 1169
higher education accreditation. 1170

(C) For purposes of division (A)(4)(b) of this section, an 1171
applicant shall present evidence satisfactory to the board of 1172
meeting one of the following requirements in lieu of meeting the 1173
educational requirements specified in division (B)(1) or (2) of 1174
this section: 1175

(1) The applicant shall hold a current, valid license or 1176
other form of authority to practice as a physician assistant 1177
issued by another jurisdiction ~~prior to January 1, 2008~~ and have 1178
been in active practice in any jurisdiction throughout the 1179
three-year period immediately preceding the date of application. 1180

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

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

~~(a) Hold~~ hold a degree obtained from a program accredited by the accreditation review commission on education for the physician assistant; and meet either of the following experience requirements:

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

(b) Have experience practicing as a physician assistant for at least three consecutive years while on active duty in the United States public health service commissioned corps.

(D) Unless the applicant had prescriptive authority while practicing as a physician assistant in another jurisdiction, in the military, or in the public health service, the license issued to an applicant who does not hold a master's or higher degree described in division (B) of this section does not authorize the holder to exercise physician-delegated prescriptive authority and the state medical board shall not issue a prescriber number.

(E)(1) This section does not require an individual to obtain a master's or higher degree as a condition of retaining or

renewing a ~~certificate~~ license to practice as a physician 1212
assistant if the individual received the ~~certificate~~ license 1213
without holding a master's or higher degree as provided in either 1214
of the following, but the license will not include the authority 1215
to exercise physician-delegated prescriptive authority: 1216

~~(1)~~(a) Before the educational requirements specified in 1217
division (B)(1) or (2) of this section became effective January 1, 1218
2008; 1219

~~(2)~~(b) By meeting the educational or other applicable 1220
requirements specified in division (C)(1), (2), or (3) of this 1221
section. 1222

(2) On application of an individual who received a license 1223
without having first obtained a master's or higher degree, the 1224
board shall grant the individual the authority to exercise 1225
physician-delegated prescriptive authority if the individual 1226
provides evidence satisfactory to the board of having obtained a 1227
master's or higher degree from either of the following: 1228

(a) A program accredited by the accreditation review 1229
commission on education for the physician assistant or a 1230
predecessor or successor organization recognized by the board; 1231

(b) A program accredited by a regional or specialized and 1232
professional accrediting agency recognized by the council for 1233
higher education accreditation, if the degree is in a course of 1234
study with clinical relevance to the practice of physician 1235
assistants. 1236

Sec. 4730.111. A physician assistant whose certification by 1237
the national commission on certification of physician assistants 1238
or a successor organization recognized by the state medical board 1239
is suspended or revoked shall give notice of that occurrence to 1240
the board not later than fourteen days after the physician 1241

assistant receives notice of the change in certification status. A 1242
physician assistant who fails to renew the certification shall 1243
notify the board not later than fourteen days after the 1244
certification expires. 1245

Sec. 4730.12. (A) The state medical board shall review ~~all~~ 1246
~~applications~~ each application received under section 4730.10 of 1247
the Revised Code for ~~certificates~~ a license to practice as a 1248
physician assistant. Not later than sixty days after receiving a 1249
complete application, the board shall determine whether an 1250
applicant meets the requirements to receive a ~~certificate~~ license 1251
to practice, as specified in section 4730.11 of the Revised Code. 1252
An affirmative vote of not fewer than six members of the board is 1253
required to determine that an applicant meets the requirements to 1254
receive a ~~certificate~~ license to practice as a physician 1255
assistant. 1256

(B) If the board determines that an applicant meets the 1257
requirements to receive the ~~certificate~~ license, the secretary of 1258
the board shall register the applicant as a physician assistant 1259
and issue to the applicant a ~~certificate~~ license to practice as a 1260
physician assistant. 1261

(C)(1) During the first five hundred hours of the first one 1262
thousand hours of a physician assistant's exercise of 1263
physician-delegated prescriptive authority, the physician 1264
assistant shall exercise that authority only under the on-site 1265
supervision of a supervising physician. 1266

(2) A physician assistant shall be excused from the 1267
requirement established in division (C)(1) of this section if 1268
prior to application the physician assistant held a prescriber 1269
number, or the equivalent, from another jurisdiction and practiced 1270
with prescriptive authority in that jurisdiction for not less than 1271
one thousand hours. 1272

(3) A record of a physician assistant's completion of the hours required by division (C)(1) of this section or issuance of a prescriber number or equivalent by another jurisdiction shall be kept on file by a supervising physician of the physician assistant. The record shall be made available for inspection by the board.

Sec. 4730.13. Upon application by the holder of a ~~certificate~~ license to practice as a physician assistant, the state medical board shall issue a duplicate ~~certificate~~ license to replace one that is missing or damaged, to reflect a name change, or for any other reasonable cause. The fee for a duplicate ~~certificate~~ license shall be thirty-five dollars. All fees collected under this section shall be deposited in accordance with section 4731.24 of the Revised Code.

Sec. 4730.14. (A) A ~~certificate~~ license to practice as a physician assistant shall expire biennially and may be renewed in accordance with this section. A person seeking to renew a ~~certificate~~ license to practice as a physician assistant shall, on or before the thirty-first day of January of each even-numbered year, apply for renewal of the certificate. The state medical board shall send renewal notices at least one month prior to the expiration date.

Applications shall be submitted to the board on forms the board shall prescribe and furnish. Each application shall be accompanied by a biennial renewal fee of ~~one~~ two hundred dollars. The board shall deposit the fees in accordance with section 4731.24 of the Revised Code.

The applicant shall report any criminal offense that constitutes grounds for refusing to issue a ~~certificate~~ license to practice under section 4730.25 of the Revised Code to which the

applicant has pleaded guilty, of which the applicant has been 1303
found guilty, or for which the applicant has been found eligible 1304
for intervention in lieu of conviction, since last signing an 1305
application for a ~~certificate~~ license to practice as a physician 1306
assistant. 1307

(B) To be eligible for renewal, a physician assistant shall 1308
certify to the board both of the following: 1309

(1) That the physician assistant has maintained certification 1310
by the national commission on certification of physician 1311
assistants or a successor organization that is recognized by the 1312
board by meeting the standards to hold current certification from 1313
the commission or its successor, including completion of 1314
continuing medical education requirements and passing periodic 1315
recertification examinations; 1316

(2) Except as provided in division (F) of this section and 1317
section 5903.12 of the Revised Code, that the physician assistant 1318
has completed during the current certification period not less 1319
than one hundred hours of continuing medical education acceptable 1320
to the board. 1321

(C) The board shall adopt rules in accordance with Chapter 1322
119. of the Revised Code specifying the types of continuing 1323
medical education that must be completed to fulfill the board's 1324
requirements under division (B)(2) of this section. Except when 1325
additional continuing medical education is required to renew a 1326
certificate to prescribe, as specified in section 4730.49 of the 1327
Revised Code, the board shall not adopt rules that require a 1328
physician assistant to complete in any certification period more 1329
than one hundred hours of continuing medical education acceptable 1330
to the board. In fulfilling the board's requirements, a physician 1331
assistant may use continuing medical education courses or programs 1332
completed to maintain certification by the national commission on 1333
certification of physician assistants or a successor organization 1334

that is recognized by the board if the standards for acceptable 1335
courses and programs of the commission or its successor are at 1336
least equivalent to the standards established by the board. 1337

(D) If an applicant submits a complete renewal application 1338
and qualifies for renewal pursuant to division (B) of this 1339
section, the board shall issue to the applicant a renewed 1340
~~certificate~~ license to practice as a physician assistant. 1341

(E) The board may require a random sample of physician 1342
assistants to submit materials documenting certification by the 1343
national commission on certification of physician assistants or a 1344
successor organization that is recognized by the board and 1345
completion of the required number of hours of continuing medical 1346
education. 1347

(F) The board shall provide for pro rata reductions by month 1348
of the number of hours of continuing education that must be 1349
completed for individuals who are in their first certification 1350
period, who have been disabled due to illness or accident, or who 1351
have been absent from the country. The board shall adopt rules, in 1352
accordance with Chapter 119. of the Revised Code, as necessary to 1353
implement this division. 1354

(G)(1) A ~~certificate~~ license to practice that is not renewed 1355
on or before its expiration date is automatically suspended on its 1356
expiration date. Continued practice after suspension of the 1357
certificate shall be considered as practicing in violation of 1358
division (A) of section 4730.02 of the Revised Code. 1359

(2) If a ~~certificate~~ license has been suspended pursuant to 1360
division (G)(1) of this section for two years or less, it may be 1361
reinstated. The board shall reinstate a ~~certificate~~ license 1362
suspended for failure to renew upon an applicant's submission of a 1363
renewal application, the biennial renewal fee, and any applicable 1364
monetary penalty. 1365

If a ~~certificate~~ license has been suspended pursuant to 1366
division (G)(1) of this ~~division~~ section for more than two years, 1367
it may be restored. In accordance with section 4730.28 of the 1368
Revised Code, the board may restore a ~~certificate~~ license 1369
suspended for failure to renew upon an applicant's submission of a 1370
restoration application, the biennial renewal fee, and any 1371
applicable monetary penalty and compliance with sections 4776.01 1372
to 4776.04 of the Revised Code. The board shall not restore to an 1373
applicant a ~~certificate~~ license to practice as a physician 1374
assistant unless the board, in its discretion, decides that the 1375
results of the criminal records check do not make the applicant 1376
ineligible for a ~~certificate~~ license issued pursuant to section 1377
4730.12 of the Revised Code. 1378

The penalty for reinstatement shall be fifty dollars and the 1379
penalty for restoration shall be one hundred dollars. The board 1380
shall deposit penalties in accordance with section 4731.24 of the 1381
Revised Code. 1382

(H) If an individual certifies that the individual has 1383
completed the number of hours and type of continuing medical 1384
education required for renewal or reinstatement of a ~~certificate~~ 1385
license to practice as a physician assistant, and the board finds 1386
through a random sample conducted under division (E) of this 1387
section or through any other means that the individual did not 1388
complete the requisite continuing medical education, the board may 1389
impose a civil penalty of not more than five thousand dollars. The 1390
board's finding shall be made pursuant to an adjudication under 1391
Chapter 119. of the Revised Code and by an affirmative vote of not 1392
fewer than six members. 1393

A civil penalty imposed under this division may be in 1394
addition to or in lieu of any other action the board may take 1395
under section 4730.25 of the Revised Code. The board shall deposit 1396
civil penalties in accordance with section 4731.24 of the Revised 1397

Code. 1398

~~Sec. 4730.19. (A) For a supervision agreement to be approved by the board, all of the following apply:~~ 1399
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~~(1) Before initiating supervision of one or more physician assistants licensed under this chapter, a physician shall enter into a supervision agreement with each physician assistant who will be supervised. The supervision agreement shall specify that the physician agrees to supervise the physician assistant and the physician assistant agrees to practice in accordance with the conditions specified in the physician supervisory plan approved for that physician or the policies of the health care facility in which the supervising physician and physician assistant are practicing under that physician's supervision.~~ 1401
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~~(2) The agreement shall clearly state that the supervising physician is legally responsible and assumes legal liability for the services provided by the physician assistant. The agreement shall be signed by the physician and the physician assistant.~~ 1411
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~~(3) The physician assistant shall hold a current certificate to practice as a physician assistant.~~ 1415
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~~(4) If a physician supervisory plan applies to the physician assistant's practice, the physician shall hold an approved physician supervisory plan.~~ 1417
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~~(5) If the physician intends to grant physician delegated prescriptive authority to a physician assistant, the physician assistant shall hold a certificate to prescribe issued under this chapter.~~ 1420
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~~(6) If the physician holds approval of more than one physician supervisory plan, the agreement shall specify the plan under which the physician assistant will practice.~~ 1424
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~~(B) The board shall review each application received. If the~~ 1427

~~board finds that the requirements specified in division (A) of 1428
this section have been met and the applicant has paid the fee 1429
specified in section 4730.18 of the Revised Code, the board shall 1430
approve the supervision agreement and notify the supervising 1431
physician of the board's approval. If physician delegated 1432
prescriptive authority will be granted to more than one physician 1433
assistant under the supervision agreement, the board shall specify 1434
in the notice that its approval is specific to each physician 1435
assistant. The board shall provide notice of its approval of a 1436
supervision agreement not later than thirty days after the board 1437
receives a complete application for approval. A supervision 1438
agreement shall include either or both of the following: 1439~~

~~(1) If a physician assistant will practice within a health 1440
care facility, the agreement shall include terms that require the 1441
physician assistant to practice in accordance with the policies of 1442
the health care facility. 1443~~

~~(2) If a physician assistant will practice outside a health 1444
care facility, the agreement shall include terms that specify all 1445
of the following: 1446~~

~~(a) The responsibilities to be fulfilled by the physician in 1447
supervising the physician assistant; 1448~~

~~(b) The responsibilities to be fulfilled by the physician 1449
assistant when performing services under the physician's 1450
supervision; 1451~~

~~(c) Any limitations on the responsibilities to be fulfilled 1452
by the physician assistant; 1453~~

~~(d) The circumstances under which the physician assistant is 1454
required to refer a patient to the supervising physician; 1455~~

~~(e) If the supervising physician chooses to designate 1456
physicians to act as alternate supervising physicians, the names, 1457
business addresses, and business telephone numbers of the 1458~~

physicians who have agreed to act in that capacity. 1459

~~(C) After a supervision agreement is approved, a physician
may apply to the board for approval to initiate supervision of a
physician assistant who is not listed on the agreement. There is
no fee for applying for the addition of a physician assistant to a
supervision agreement.~~ 1460
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~~To receive the board's approval of the addition to the
supervision agreement, the physician assistant shall hold a
current certificate to practice as a physician assistant. If the
physician intends to grant physician delegated prescriptive
authority to the physician assistant, the physician assistant
shall hold a current certificate to prescribe. If these
requirements are met, the board shall notify the physician of its
approval of the addition to the supervision agreement. The board
shall provide notice of its approval not later than thirty days
after the board receives a complete application for approval (1)
The supervising physician shall submit a copy of each supervision
agreement to the board. The board shall review the supervision
agreement for compliance with this section and for verification of
licensure of the supervising physician and the physician
assistant. All of the following apply to the submission and review
process:~~ 1465
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(a) Before the end of the fifth business day after the day it
receives a supervision agreement, the board shall notify the
supervising physician of any way that the agreement fails to
comply with this section and section 4730.20 of the Revised Code.
If the board does not give timely notice, the agreement becomes
effective at the end of the fifth business day after the day the
board receives the agreement. 1481
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A supervision agreement expires two years after the day it
takes effect. The agreement may be renewed. 1488
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(b) If a physician receives a notice under division (C)(1)(a) of this section, the physician may revise the supervision agreement and resubmit the agreement to the board. The board shall review the agreement as provided in division (C)(1)(a) of this section. 1490
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(c) Until July 1, 2015, each initial or renewed agreement submitted under division (C)(1)(a) of this section shall be accompanied by a fee of twenty-five dollars. No fee is required for submitting a revised agreement under division (C)(1)(b) of this section or for submitting an amendment under division (C)(2) of this section. Fees shall be deposited in accordance with section 4731.24 of the Revised Code. 1495
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(2) Before expiration, a supervision agreement may be amended by including one or more additional physician assistants. An amendment to a supervision agreement shall be submitted to the board for review in the manner provided for review of an initial agreement under division (C)(1) of this section. The amendment does not alter the agreement's expiration date. 1502
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(D) A supervision agreement shall be kept in the records maintained by the supervising physician who entered into the agreement. 1508
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(E) The board shall post on its internet web site a copy of each supervision agreement that goes into effect under this section. The posting shall be updated to reflect any amendment, renewal, expiration, or termination of the agreement. Each posting or update shall be made not later than five business days after the effective date of the action for which the posting or update is required. 1511
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Sec. 4730.20. (A) A physician assistant licensed under this chapter may perform any of the following services authorized by the supervising physician that are part of the supervising 1518
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| <u>physician's normal course of practice and expertise:</u> | 1521 |
| <u>(1) Ordering diagnostic, therapeutic, and other medical services;</u> | 1522 1523 |
| <u>(2) Prescribing physical therapy or referring a patient to a physical therapist for physical therapy;</u> | 1524 1525 |
| <u>(3) Ordering occupational therapy or referring a patient to an occupational therapist for occupational therapy;</u> | 1526 1527 |
| <u>(4) Taking any action that may be taken by an attending physician under sections 2133.21 to 2133.26 of the Revised Code, as specified in section 2133.211 of the Revised Code;</u> | 1528 1529 1530 |
| <u>(5) Determining and pronouncing death in accordance with section 4730.202 of the Revised Code;</u> | 1531 1532 |
| <u>(6) Assisting in surgery;</u> | 1533 |
| <u>(7) If the physician assistant holds a valid prescriber number issued by the state medical board and has been granted physician-delegated prescriptive authority, ordering, prescribing, personally furnishing, and administering drugs and medical devices;</u> | 1534 1535 1536 1537 1538 |
| <u>(8) Any other services that are part of the supervising physician's normal course of practice and expertise.</u> | 1539 1540 |
| <u>(B) The services a physician assistant may provide under the policies of a health care facility are limited to the services the facility authorizes the physician assistant to provide for the facility. A facility shall not authorize a physician assistant to perform a service that is prohibited under this chapter. A physician who is supervising a physician assistant within a health care facility may impose limitations on the physician assistant's practice that are in addition to any limitations applicable under the policies of the facility.</u> | 1541 1542 1543 1544 1545 1546 1547 1548 1549 |

Sec. ~~4730.091~~ 4730.201. (A) As used in this section, "local 1550
anesthesia" means the injection of a drug or combination of drugs 1551
to stop or prevent a painful sensation in a circumscribed area of 1552
the body where a painful procedure is to be performed. "Local 1553
anesthesia" includes only local infiltration anesthesia, digital 1554
blocks, and pudendal blocks. 1555

(B) A physician assistant may administer, monitor, or 1556
maintain local anesthesia as a component of a procedure the 1557
physician assistant is performing or as a separate service when 1558
the procedure requiring local anesthesia is to be performed by the 1559
physician assistant's supervising physician or another person. A 1560
physician assistant shall not administer, monitor, or maintain any 1561
other form of anesthesia, including regional anesthesia or any 1562
systemic sedation, ~~regardless of whether the physician assistant~~ 1563
~~is practicing under a physician supervisory plan or the policies~~ 1564
~~of a health care facility.~~ 1565

Sec. ~~4730.092~~ 4730.202. (A) A physician assistant may 1566
determine and pronounce an individual's death, but only if the 1567
individual's respiratory and circulatory functions are not being 1568
artificially sustained and, at the time the determination and 1569
pronouncement of death is made, either or both of the following 1570
apply: 1571

(1) The individual was receiving care in one of the 1572
following: 1573

(a) A nursing home licensed under section 3721.02 of the 1574
Revised Code or by a political subdivision under section 3721.09 1575
of the Revised Code; 1576

(b) A residential care facility or home for the aging 1577
licensed under Chapter 3721. of the Revised Code; 1578

(c) A county home or district home operated pursuant to 1579

Chapter 5155. of the Revised Code; 1580

(d) A residential facility licensed under section 5123.19 of 1581
the Revised Code. 1582

(2) The physician assistant is providing or supervising the 1583
individual's care through a hospice care program licensed under 1584
Chapter 3712. of the Revised Code or any other entity that 1585
provides palliative care. 1586

(B) If a physician assistant determines and pronounces an 1587
individual's death, the physician assistant shall comply with both 1588
of the following: 1589

(1) The physician assistant shall not complete any portion of 1590
the individual's death certificate. 1591

(2) The physician assistant shall notify the individual's 1592
attending physician of the determination and pronouncement of 1593
death in order for the physician to fulfill the physician's duties 1594
under section 3705.16 of the Revised Code. The physician assistant 1595
shall provide the notification within a period of time that is 1596
reasonable but not later than twenty-four hours following the 1597
determination and pronouncement of the individual's death. 1598

Sec. 4730.203. (A) Acting pursuant to a supervision 1599
agreement, a physician assistant may delegate performance of a 1600
task to implement a patient's plan of care or, if the conditions 1601
in division (C) of this section are met, may delegate 1602
administration of a drug. Delegation may be to a person who has 1603
successfully completed a training and competency evaluation 1604
program approved by the director of health under section 3721.31 1605
of the Revised Code or, subject to division (D) of section 4730.03 1606
of the Revised Code, any other person. The physician assistant 1607
must be physically present at the location where the task is 1608
performed or the drug administered. 1609

(B) Prior to delegating a task or administration of a drug, a physician assistant shall determine that the task or drug is appropriate for the patient and the person to whom the delegation is to be made may safely perform the task or administer the drug.

(C) A physician assistant may delegate administration of a drug only if all of the following conditions are met:

(1) The physician assistant has physician-delegated prescriptive authority to administer the drug.

(2) The drug is included in the formulary established under division (A) of section 4730.39 of the Revised Code.

(3) The drug is not a controlled substance.

(4) The drug will not be administered intravenously.

(5) The drug will not be administered in a hospital inpatient care unit, as defined in section 3727.50 of the Revised Code; a hospital emergency department; a freestanding emergency department; or an ambulatory surgical facility licensed under section 3702.30 of the Revised Code.

(D) A person not otherwise authorized to administer a drug or perform a specific task may do so in accordance with a physician assistant's delegation under this section.

Sec. 4730.21. (A) The supervising physician of a physician assistant exercises supervision, control, and direction of the physician assistant. ~~In~~ A physician assistant may practice in any setting within which the supervising physician has supervision, control, and direction of the physician assistant.

In supervising a physician assistant, all of the following apply:

(1) ~~Except when the on-site supervision requirements specified in section 4730.45 of the Revised Code are applicable,~~

~~the~~ The supervising physician shall be continuously available for 1639
direct communication with the physician assistant by either of the 1640
following means: 1641

(a) Being physically present at the location where the 1642
physician assistant is practicing; 1643

(b) Being readily available to the physician assistant 1644
through some means of telecommunication and being in a location 1645
that ~~under normal conditions is not more than sixty minutes travel~~ 1646
~~time away~~ a distance from the location where the physician 1647
assistant is practicing that reasonably allows the physician to 1648
assure proper care of patients. 1649

(2) The supervising physician shall personally and actively 1650
review the physician assistant's professional activities. 1651

~~(3) The supervising physician shall regularly review the~~ 1652
~~condition of the patients treated by the physician assistant.~~ 1653

~~(4)~~ The supervising physician shall ensure that the quality 1654
assurance system established pursuant to division (F) of this 1655
section is implemented and maintained. 1656

~~(5)~~(4) The supervising physician shall regularly perform any 1657
other reviews of the physician assistant that the supervising 1658
physician considers necessary. 1659

(B) A physician may enter into supervision agreements with 1660
any number of physician assistants, but the physician may not 1661
supervise more than ~~two~~ three physician assistants at any one 1662
time. A physician assistant may enter into supervision agreements 1663
with any number of supervising physicians, ~~but when practicing~~ 1664
~~under the supervision of a particular physician, the physician~~ 1665
~~assistant's scope of practice is subject to the limitations of the~~ 1666
~~physician supervisory plan that has been approved under section~~ 1667
~~4730.17 of the Revised Code for that physician or the policies of~~ 1668
~~the health care facility in which the physician and physician~~ 1669

~~assistant are practicing.~~ 1670

~~(C) A supervising physician may authorize a physician~~ 1671
~~assistant to perform a service only if the service is authorized~~ 1672
~~under the physician supervisory plan approved for that physician~~ 1673
~~or the policies of the health care facility in which the physician~~ 1674
~~and physician assistant are practicing.~~ A supervising physician 1675
may authorize a physician assistant to perform a service only if 1676
the physician is satisfied that the physician assistant is capable 1677
of competently performing the service. A supervising physician 1678
shall not authorize a physician assistant to perform any service 1679
that is beyond the physician's or the physician assistant's normal 1680
course of practice and expertise. 1681

~~(D)(1) A supervising physician may authorize a physician~~ 1682
~~assistant to practice in any setting within which the supervising~~ 1683
~~physician routinely practices.~~ 1684

~~(2)~~ In the case of a health care facility with an emergency 1685
department, if the supervising physician routinely practices in 1686
the facility's emergency department, the supervising physician 1687
shall provide on-site supervision of the physician assistant when 1688
the physician assistant practices in the emergency department. If 1689
the supervising physician does not routinely practice in the 1690
facility's emergency department, the supervising physician may, on 1691
occasion, send the physician assistant to the facility's emergency 1692
department to assess and manage a patient. In supervising the 1693
physician assistant's assessment and management of the patient, 1694
the supervising physician shall determine the appropriate level of 1695
supervision in compliance with the requirements of divisions (A) 1696
to (C) of this section, except that the supervising physician must 1697
be available to go to the emergency department to personally 1698
evaluate the patient and, at the request of an emergency 1699
department physician, the supervising physician shall go to the 1700
emergency department to personally evaluate the patient. 1701

(E) Each time a physician assistant writes a medical order, 1702
including prescriptions written in the exercise of 1703
physician-delegated prescriptive authority, the physician 1704
assistant shall sign the form on which the order is written and 1705
record on the form the time and date that the order is written. 1706
~~When writing a medical order, the physician assistant shall 1707~~
~~clearly identify the physician under whose supervision the 1708~~
~~physician assistant is authorized to write the order. 1709~~

(F)(1) The supervising physician of a physician assistant 1710
shall establish a quality assurance system to be used in 1711
supervising the physician assistant. All or part of the system may 1712
be applied to other physician assistants who are supervised by the 1713
supervising physician. The system shall be developed in 1714
consultation with each physician assistant to be supervised by the 1715
physician. 1716

(2) In establishing the quality assurance system, the 1717
supervising physician shall describe a process to be used for all 1718
of the following: 1719

(a) Routine review by the physician of selected patient 1720
record entries made by the physician assistant and selected 1721
medical orders issued by the physician assistant; 1722

(b) Discussion of complex cases; 1723

(c) Discussion of new medical developments relevant to the 1724
practice of the physician and physician assistant; 1725

(d) Performance of any quality assurance activities required 1726
in rules adopted by state medical board pursuant to any 1727
recommendations made by the physician assistant policy committee 1728
under section 4730.06 of the Revised Code; 1729

(e) Performance of any other quality assurance activities 1730
that the supervising physician considers to be appropriate. 1731

(3) The supervising physician and physician assistant shall 1732
keep records of their quality assurance activities. On request, 1733
the records shall be made available to the board ~~and any health~~ 1734
~~care professional working with the supervising physician and~~ 1735
~~physician assistant.~~ 1736

Sec. 4730.22. (A) ~~A~~ When performing authorized services, a 1737
physician assistant acts as the agent of the physician assistant's 1738
supervising physician. The supervising physician is legally 1739
responsible and assumes legal liability for the services provided 1740
by the physician assistant. 1741

The physician is not responsible or liable for any services 1742
provided by the physician assistant after their supervision 1743
agreement expires or is terminated. 1744

(B) When a health care facility permits physician assistants 1745
to practice within that facility or any other health care facility 1746
under its control, the health care facility shall make reasonable 1747
efforts to explain to each individual who may work with a 1748
particular physician assistant the scope of that physician 1749
assistant's practice within the facility. The appropriate 1750
credentialing body within the health care facility shall provide, 1751
on request of an individual practicing in the facility with a 1752
physician assistant, a copy of the facility's policies on the 1753
practice of physician assistants within the facility and a copy of 1754
each ~~physician supervisory plan and~~ supervision agreement 1755
applicable to the physician assistant. 1756

An individual who follows the orders of a physician assistant 1757
practicing in a health care facility is not subject to 1758
disciplinary action by any administrative agency that governs that 1759
individual's conduct and is not liable in damages in a civil 1760
action for injury, death, or loss to person or property resulting 1761
from the individual's acts or omissions in the performance of any 1762

procedure, treatment, or other health care service if the 1763
individual reasonably believed that the physician assistant was 1764
acting within the proper scope of practice or was relaying medical 1765
orders from a supervising physician, unless the act or omission 1766
constitutes willful or wanton misconduct. 1767

Sec. 4730.25. (A) The state medical board, by an affirmative 1768
vote of not fewer than six members, may revoke or may refuse to 1769
grant a ~~certificate~~ license to practice as a physician assistant 1770
~~or a certificate to prescribe~~ to a person found by the board to 1771
have committed fraud, misrepresentation, or deception in applying 1772
for or securing the ~~certificate~~ license. 1773

(B) The board, by an affirmative vote of not fewer than six 1774
members, shall, to the extent permitted by law, limit, revoke, or 1775
suspend an individual's ~~certificate~~ license to practice as a 1776
physician assistant or ~~certificate to prescribe~~ prescriber number, 1777
refuse to issue a ~~certificate~~ license to an applicant, refuse to 1778
reinstate a ~~certificate~~ license, or reprimand or place on 1779
probation the holder of a ~~certificate~~ license for any of the 1780
following reasons: 1781

(1) Failure to practice in accordance with the ~~conditions~~ 1782
~~under which the~~ supervising physician's supervision agreement with 1783
the physician assistant ~~was approved, including the requirement~~ 1784
~~that when practicing under a particular supervising physician, the~~ 1785
~~physician assistant must practice only according to the physician~~ 1786
~~supervisory plan the board approved for that physician or,~~ 1787
including, if applicable, the policies of the health care facility 1788
in which the supervising physician and physician assistant are 1789
practicing; 1790

(2) Failure to comply with the requirements of this chapter, 1791
Chapter 4731. of the Revised Code, or any rules adopted by the 1792
board; 1793

| | |
|---|--|
| (3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board; | 1794 1795 1796 1797 |
| (4) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills; | 1798 1799 1800 1801 |
| (5) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice; | 1802 1803 1804 1805 |
| (6) Administering drugs for purposes other than those authorized under this chapter; | 1806 1807 |
| (7) Willfully betraying a professional confidence; | 1808 |
| (8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a certificate <u>license</u> to practice as a physician assistant, a certificate to prescribe, or approval of a supervision agreement. | 1809 1810 1811 1812 1813 1814 1815 1816 |
| As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. | 1817 1818 1819 1820 1821 1822 1823 1824 |

| | |
|--|------|
| (9) Representing, with the purpose of obtaining compensation | 1825 |
| or other advantage personally or for any other person, that an | 1826 |
| incurable disease or injury, or other incurable condition, can be | 1827 |
| permanently cured; | 1828 |
| (10) The obtaining of, or attempting to obtain, money or | 1829 |
| anything of value by fraudulent misrepresentations in the course | 1830 |
| of practice; | 1831 |
| (11) A plea of guilty to, a judicial finding of guilt of, or | 1832 |
| a judicial finding of eligibility for intervention in lieu of | 1833 |
| conviction for, a felony; | 1834 |
| (12) Commission of an act that constitutes a felony in this | 1835 |
| state, regardless of the jurisdiction in which the act was | 1836 |
| committed; | 1837 |
| (13) A plea of guilty to, a judicial finding of guilt of, or | 1838 |
| a judicial finding of eligibility for intervention in lieu of | 1839 |
| conviction for, a misdemeanor committed in the course of practice; | 1840 |
| (14) A plea of guilty to, a judicial finding of guilt of, or | 1841 |
| a judicial finding of eligibility for intervention in lieu of | 1842 |
| conviction for, a misdemeanor involving moral turpitude; | 1843 |
| (15) Commission of an act in the course of practice that | 1844 |
| constitutes a misdemeanor in this state, regardless of the | 1845 |
| jurisdiction in which the act was committed; | 1846 |
| (16) Commission of an act involving moral turpitude that | 1847 |
| constitutes a misdemeanor in this state, regardless of the | 1848 |
| jurisdiction in which the act was committed; | 1849 |
| (17) A plea of guilty to, a judicial finding of guilt of, or | 1850 |
| a judicial finding of eligibility for intervention in lieu of | 1851 |
| conviction for violating any state or federal law regulating the | 1852 |
| possession, distribution, or use of any drug, including | 1853 |
| trafficking in drugs; | 1854 |

(18) Any of the following actions taken by the state agency 1855
responsible for regulating the practice of physician assistants in 1856
another state, for any reason other than the nonpayment of fees: 1857
the limitation, revocation, or suspension of an individual's 1858
license to practice; acceptance of an individual's license 1859
surrender; denial of a license; refusal to renew or reinstate a 1860
license; imposition of probation; or issuance of an order of 1861
censure or other reprimand; 1862

(19) A departure from, or failure to conform to, minimal 1863
standards of care of similar physician assistants under the same 1864
or similar circumstances, regardless of whether actual injury to a 1865
patient is established; 1866

(20) Violation of the conditions placed by the board on a 1867
~~certificate~~ license to practice as a physician assistant, ~~a~~ 1868
~~certificate to prescribe, a physician supervisory plan, or~~ 1869
~~supervision agreement;~~ 1870

(21) Failure to use universal blood and body fluid 1871
precautions established by rules adopted under section 4731.051 of 1872
the Revised Code; 1873

(22) Failure to cooperate in an investigation conducted by 1874
the board under section 4730.26 of the Revised Code, including 1875
failure to comply with a subpoena or order issued by the board or 1876
failure to answer truthfully a question presented by the board at 1877
a deposition or in written interrogatories, except that failure to 1878
cooperate with an investigation shall not constitute grounds for 1879
discipline under this section if a court of competent jurisdiction 1880
has issued an order that either quashes a subpoena or permits the 1881
individual to withhold the testimony or evidence in issue; 1882

(23) Assisting suicide as defined in section 3795.01 of the 1883
Revised Code; 1884

(24) Prescribing any drug or device to perform or induce an 1885

abortion, or otherwise performing or inducing an abortion; 1886

(25) Having certification by the national commission on 1887
certification of physician assistants or a successor organization 1888
expire, lapse, or be suspended or revoked. 1889

(C) Disciplinary actions taken by the board under divisions 1890
(A) and (B) of this section shall be taken pursuant to an 1891
adjudication under Chapter 119. of the Revised Code, except that 1892
in lieu of an adjudication, the board may enter into a consent 1893
agreement with a physician assistant or applicant to resolve an 1894
allegation of a violation of this chapter or any rule adopted 1895
under it. A consent agreement, when ratified by an affirmative 1896
vote of not fewer than six members of the board, shall constitute 1897
the findings and order of the board with respect to the matter 1898
addressed in the agreement. If the board refuses to ratify a 1899
consent agreement, the admissions and findings contained in the 1900
consent agreement shall be of no force or effect. 1901

(D) For purposes of divisions (B)(12), (15), and (16) of this 1902
section, the commission of the act may be established by a finding 1903
by the board, pursuant to an adjudication under Chapter 119. of 1904
the Revised Code, that the applicant or ~~certificate~~ license holder 1905
committed the act in question. The board shall have no 1906
jurisdiction under these divisions in cases where the trial court 1907
renders a final judgment in the ~~certificate~~ license holder's favor 1908
and that judgment is based upon an adjudication on the merits. The 1909
board shall have jurisdiction under these divisions in cases where 1910
the trial court issues an order of dismissal upon technical or 1911
procedural grounds. 1912

(E) The sealing of conviction records by any court shall have 1913
no effect upon a prior board order entered under the provisions of 1914
this section or upon the board's jurisdiction to take action under 1915
the provisions of this section if, based upon a plea of guilty, a 1916
judicial finding of guilt, or a judicial finding of eligibility 1917

for intervention in lieu of conviction, the board issued a notice 1918
of opportunity for a hearing prior to the court's order to seal 1919
the records. The board shall not be required to seal, destroy, 1920
redact, or otherwise modify its records to reflect the court's 1921
sealing of conviction records. 1922

(F) For purposes of this division, any individual who holds a 1923
~~certificate~~ license issued under this chapter, or applies for a 1924
~~certificate~~ license issued under this chapter, shall be deemed to 1925
have given consent to submit to a mental or physical examination 1926
when directed to do so in writing by the board and to have waived 1927
all objections to the admissibility of testimony or examination 1928
reports that constitute a privileged communication. 1929

(1) In enforcing division (B)(4) of this section, the board, 1930
upon a showing of a possible violation, may compel any individual 1931
who holds a ~~certificate~~ license issued under this chapter or who 1932
has applied for a ~~certificate~~ license pursuant to this chapter to 1933
submit to a mental examination, physical examination, including an 1934
HIV test, or both a mental and physical examination. The expense 1935
of the examination is the responsibility of the individual 1936
compelled to be examined. Failure to submit to a mental or 1937
physical examination or consent to an HIV test ordered by the 1938
board constitutes an admission of the allegations against the 1939
individual unless the failure is due to circumstances beyond the 1940
individual's control, and a default and final order may be entered 1941
without the taking of testimony or presentation of evidence. If 1942
the board finds a physician assistant unable to practice because 1943
of the reasons set forth in division (B)(4) of this section, the 1944
board shall require the physician assistant to submit to care, 1945
counseling, or treatment by physicians approved or designated by 1946
the board, as a condition for an initial, continued, reinstated, 1947
or renewed ~~certificate~~ license. An individual affected under this 1948
division shall be afforded an opportunity to demonstrate to the 1949

board the ability to resume practicing in compliance with 1950
acceptable and prevailing standards of care. 1951

(2) For purposes of division (B)(5) of this section, if the 1952
board has reason to believe that any individual who holds a 1953
~~certificate~~ license issued under this chapter or any applicant for 1954
a ~~certificate~~ license suffers such impairment, the board may 1955
compel the individual to submit to a mental or physical 1956
examination, or both. The expense of the examination is the 1957
responsibility of the individual compelled to be examined. Any 1958
mental or physical examination required under this division shall 1959
be undertaken by a treatment provider or physician qualified to 1960
conduct such examination and chosen by the board. 1961

Failure to submit to a mental or physical examination ordered 1962
by the board constitutes an admission of the allegations against 1963
the individual unless the failure is due to circumstances beyond 1964
the individual's control, and a default and final order may be 1965
entered without the taking of testimony or presentation of 1966
evidence. If the board determines that the individual's ability to 1967
practice is impaired, the board shall suspend the individual's 1968
~~certificate~~ license or deny the individual's application and shall 1969
require the individual, as a condition for initial, continued, 1970
reinstated, or renewed ~~certification~~ licensure to practice or 1971
prescribe, to submit to treatment. 1972

Before being eligible to apply for reinstatement of a 1973
~~certificate~~ license suspended under this division, the physician 1974
assistant shall demonstrate to the board the ability to resume 1975
practice or prescribing in compliance with acceptable and 1976
prevailing standards of care. The demonstration shall include the 1977
following: 1978

(a) Certification from a treatment provider approved under 1979
section 4731.25 of the Revised Code that the individual has 1980
successfully completed any required inpatient treatment; 1981

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement; 1982
1983

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination. 1984
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The board may reinstate a ~~certificate~~ license suspended under this division after such demonstration and after the individual has entered into a written consent agreement. 1990
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When the impaired physician assistant resumes practice or prescribing, the board shall require continued monitoring of the physician assistant. The monitoring shall include compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the physician assistant has maintained sobriety. 1993
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(G) If the secretary and supervising member determine that there is clear and convincing evidence that a physician assistant has violated division (B) of this section and that the individual's continued practice or prescribing presents a danger of immediate and serious harm to the public, they may recommend that the board suspend the individual's ~~certificate~~ license to practice or authority to prescribe without a prior hearing. Written allegations shall be prepared for consideration by the board. 2002
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The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding 2011
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the secretary and supervising member, may suspend a ~~certificate~~ 2013
license without a prior hearing. A telephone conference call may 2014
be utilized for reviewing the allegations and taking the vote on 2015
the summary suspension. 2016

The board shall issue a written order of suspension by 2017
certified mail or in person in accordance with section 119.07 of 2018
the Revised Code. The order shall not be subject to suspension by 2019
the court during pendency of any appeal filed under section 119.12 2020
of the Revised Code. If the physician assistant requests an 2021
adjudicatory hearing by the board, the date set for the hearing 2022
shall be within fifteen days, but not earlier than seven days, 2023
after the physician assistant requests the hearing, unless 2024
otherwise agreed to by both the board and the ~~certificate~~ license 2025
holder. 2026

A summary suspension imposed under this division shall remain 2027
in effect, unless reversed on appeal, until a final adjudicative 2028
order issued by the board pursuant to this section and Chapter 2029
119. of the Revised Code becomes effective. The board shall issue 2030
its final adjudicative order within sixty days after completion of 2031
its hearing. Failure to issue the order within sixty days shall 2032
result in dissolution of the summary suspension order, but shall 2033
not invalidate any subsequent, final adjudicative order. 2034

(H) If the board takes action under division (B)(11), (13), 2035
or (14) of this section, and the judicial finding of guilt, guilty 2036
plea, or judicial finding of eligibility for intervention in lieu 2037
of conviction is overturned on appeal, upon exhaustion of the 2038
criminal appeal, a petition for reconsideration of the order may 2039
be filed with the board along with appropriate court documents. 2040
Upon receipt of a petition and supporting court documents, the 2041
board shall reinstate the ~~certificate~~ license to practice ~~or~~ 2042
~~prescribe~~. The board may then hold an adjudication under Chapter 2043
119. of the Revised Code to determine whether the individual 2044

committed the act in question. Notice of opportunity for hearing 2045
shall be given in accordance with Chapter 119. of the Revised 2046
Code. If the board finds, pursuant to an adjudication held under 2047
this division, that the individual committed the act, or if no 2048
hearing is requested, it may order any of the sanctions identified 2049
under division (B) of this section. 2050

(I) The ~~certificate~~ license to practice issued to a physician 2051
assistant and the physician assistant's practice in this state are 2052
automatically suspended as of the date the physician assistant 2053
pleads guilty to, is found by a judge or jury to be guilty of, or 2054
is subject to a judicial finding of eligibility for intervention 2055
in lieu of conviction in this state or treatment or intervention 2056
in lieu of conviction in another state for any of the following 2057
criminal offenses in this state or a substantially equivalent 2058
criminal offense in another jurisdiction: aggravated murder, 2059
murder, voluntary manslaughter, felonious assault, kidnapping, 2060
rape, sexual battery, gross sexual imposition, aggravated arson, 2061
aggravated robbery, or aggravated burglary. Continued practice 2062
after the suspension shall be considered practicing without a 2063
~~certificate~~ license. 2064

The board shall notify the individual subject to the 2065
suspension by certified mail or in person in accordance with 2066
section 119.07 of the Revised Code. If an individual whose 2067
~~certificate~~ license is suspended under this division fails to make 2068
a timely request for an adjudication under Chapter 119. of the 2069
Revised Code, the board shall enter a final order permanently 2070
revoking the individual's ~~certificate~~ license to practice. 2071

(J) In any instance in which the board is required by Chapter 2072
119. of the Revised Code to give notice of opportunity for hearing 2073
and the individual subject to the notice does not timely request a 2074
hearing in accordance with section 119.07 of the Revised Code, the 2075
board is not required to hold a hearing, but may adopt, by an 2076

affirmative vote of not fewer than six of its members, a final 2077
order that contains the board's findings. In that final order, the 2078
board may order any of the sanctions identified under division (A) 2079
or (B) of this section. 2080

(K) Any action taken by the board under division (B) of this 2081
section resulting in a suspension shall be accompanied by a 2082
written statement of the conditions under which the physician 2083
assistant's ~~certificate~~ license may be reinstated. The board shall 2084
adopt rules in accordance with Chapter 119. of the Revised Code 2085
governing conditions to be imposed for reinstatement. 2086
Reinstatement of a ~~certificate~~ license suspended pursuant to 2087
division (B) of this section requires an affirmative vote of not 2088
fewer than six members of the board. 2089

(L) When the board refuses to grant to an applicant a 2090
~~certificate~~ license to practice as a physician assistant ~~or a~~ 2091
~~certificate to prescribe~~, revokes an individual's ~~certificate~~ 2092
license, refuses to issue a ~~certificate~~ license, or refuses to 2093
reinstate an individual's ~~certificate~~ license, the board may 2094
specify that its action is permanent. An individual subject to a 2095
permanent action taken by the board is forever thereafter 2096
ineligible to hold the ~~certificate~~ license and the board shall not 2097
accept an application for reinstatement of the ~~certificate~~ license 2098
or for issuance of a new ~~certificate~~ license. 2099

(M) Notwithstanding any other provision of the Revised Code, 2100
all of the following apply: 2101

(1) The surrender of a ~~certificate~~ license issued under this 2102
chapter is not effective unless or until accepted by the board. 2103
Reinstatement of a ~~certificate~~ license surrendered to the board 2104
requires an affirmative vote of not fewer than six members of the 2105
board. 2106

(2) An application made under this chapter for a ~~certificate~~, 2107

~~approval of a physician supervisory plan, or approval of a~~ 2108
~~supervision agreement~~ license may not be withdrawn without 2109
approval of the board. 2110

(3) Failure by an individual to renew a ~~certificate~~ license 2111
in accordance with section 4730.14 ~~or section 4730.48~~ of the 2112
Revised Code shall not remove or limit the board's jurisdiction to 2113
take disciplinary action under this section against the 2114
individual. 2115

Sec. 4730.251. On receipt of a notice pursuant to section 2116
3123.43 of the Revised Code, the state medical board shall comply 2117
with sections 3123.41 to 3123.50 of the Revised Code and any 2118
applicable rules adopted under section 3123.63 of the Revised Code 2119
with respect to a ~~certificate~~ license to practice as a physician 2120
assistant issued pursuant to this chapter. 2121

Sec. 4730.27. If the state medical board has reason to 2122
believe that any person who has been granted a ~~certificate~~ license 2123
under this chapter to practice as a physician assistant is 2124
mentally ill or mentally incompetent, it may file in the probate 2125
court of the county in which such person has a legal residence an 2126
affidavit in the form prescribed in section 5122.11 of the Revised 2127
Code and signed by the board secretary or a member of the 2128
secretary's staff, whereupon the same proceedings shall be had as 2129
provided in Chapter 5122. of the Revised Code. The attorney 2130
general may represent the board in any proceeding commenced under 2131
this section. 2132

If a physician assistant is adjudged by a probate court to be 2133
mentally ill or mentally incompetent, the individual's ~~certificate~~ 2134
license shall be automatically suspended until the individual has 2135
filed with the board a certified copy of an adjudication by a 2136
probate court of being restored to competency or has submitted to 2137

the board proof, satisfactory to the board, of having been 2138
discharged as being restored to competency in the manner and form 2139
provided in section 5122.38 of the Revised Code. The judge of the 2140
court shall immediately notify the board of an adjudication of 2141
incompetence and note any suspension of a ~~certificate~~ license in 2142
the margin of the court's record of the ~~certificate~~ license. 2143

Sec. 4730.28. (A) An individual whose ~~certificate~~ license to 2144
practice as a physician assistant issued under this chapter has 2145
been suspended or is in an inactive state for any cause for more 2146
than two years may apply to the state medical board to have the 2147
~~certificate~~ license restored. 2148

(B)(1) The board shall not restore a ~~certificate~~ license 2149
under this section unless the applicant complies with sections 2150
4776.01 to 4776.04 of the Revised Code. The board shall determine 2151
the applicant's present fitness to resume practice. The board 2152
shall consider the moral background and the activities of the 2153
applicant during the period of suspension or inactivity. 2154

(2) When restoring a ~~certificate~~ license, the board may 2155
impose terms and conditions, including the following: 2156

(a) Requiring the applicant to obtain additional training and 2157
pass an examination upon completion of the training; 2158

(b) Restricting or limiting the extent, scope, or type of 2159
practice as a physician assistant that the individual may resume. 2160

Sec. 4730.31. (A) As used in this section, "prosecutor" has 2161
the same meaning as in section 2935.01 of the Revised Code. 2162

(B) Whenever any person holding a valid ~~certificate~~ license 2163
to practice as a physician assistant issued pursuant to this 2164
chapter pleads guilty to, is subject to a judicial finding of 2165
guilt of, or is subject to a judicial finding of eligibility for 2166
intervention in lieu of conviction for a violation of Chapter 2167

2907., 2925., or 3719. of the Revised Code or of any substantively 2168
comparable ordinance of a municipal corporation in connection with 2169
practicing as a physician assistant, the prosecutor in the case 2170
shall, on forms prescribed and provided by the state medical 2171
board, promptly notify the board of the conviction. Within thirty 2172
days of receipt of such information, the board shall initiate 2173
action in accordance with Chapter 119. of the Revised Code to 2174
determine whether to suspend or revoke the ~~certificate~~ license 2175
under section 4730.25 of the Revised Code. 2176

(C) The prosecutor in any case against any person holding a 2177
valid ~~certificate~~ license issued pursuant to this chapter shall, 2178
on forms prescribed and provided by the state medical board, 2179
notify the board of any of the following: 2180

(1) A plea of guilty to, a judicial finding of guilt of, or 2181
judicial finding of eligibility for intervention in lieu of 2182
conviction for a felony, or a case where the trial court issues an 2183
order of dismissal upon technical or procedural grounds of a 2184
felony charge; 2185

(2) A plea of guilty to, a judicial finding of guilt of, or 2186
judicial finding or eligibility for intervention in lieu of 2187
conviction for a misdemeanor committed in the course of practice, 2188
or a case where the trial court issues an order of dismissal upon 2189
technical or procedural grounds of a charge of a misdemeanor, if 2190
the alleged act was committed in the course of practice; 2191

(3) A plea of guilty to, a judicial finding of guilt of, or 2192
judicial finding of eligibility for intervention in lieu of 2193
conviction for a misdemeanor involving moral turpitude, or a case 2194
where the trial court issues an order of dismissal upon technical 2195
or procedural grounds of a charge of a misdemeanor involving moral 2196
turpitude. 2197

The report shall include the name and address of the 2198

~~certificate~~ license holder, the nature of the offense for which 2199
the action was taken, and the certified court documents recording 2200
the action. 2201

Sec. 4730.32. (A) Within sixty days after the imposition of 2202
any formal disciplinary action taken by a health care facility 2203
against any individual holding a valid ~~certificate~~ license to 2204
practice as a physician assistant issued under this chapter, the 2205
chief administrator or executive officer of the facility shall 2206
report to the state medical board the name of the individual, the 2207
action taken by the facility, and a summary of the underlying 2208
facts leading to the action taken. Upon request, the board shall 2209
be provided certified copies of the patient records that were the 2210
basis for the facility's action. Prior to release to the board, 2211
the summary shall be approved by the peer review committee that 2212
reviewed the case or by the governing board of the facility. 2213

The filing of a report with the board or decision not to file 2214
a report, investigation by the board, or any disciplinary action 2215
taken by the board, does not preclude a health care facility from 2216
taking disciplinary action against a physician assistant. 2217

In the absence of fraud or bad faith, no individual or entity 2218
that provides patient records to the board shall be liable in 2219
damages to any person as a result of providing the records. 2220

(B) A physician assistant, professional association or 2221
society of physician assistants, physician, or professional 2222
association or society of physicians that believes a violation of 2223
any provision of this chapter, Chapter 4731. of the Revised Code, 2224
or rule of the board has occurred shall report to the board the 2225
information upon which the belief is based. This division does not 2226
require any treatment provider approved by the board under section 2227
4731.25 of the Revised Code or any employee, agent, or 2228
representative of such a provider to make reports with respect to 2229

a physician assistant participating in treatment or aftercare for 2230
substance abuse as long as the physician assistant maintains 2231
participation in accordance with the requirements of section 2232
4731.25 of the Revised Code and the treatment provider or 2233
employee, agent, or representative of the provider has no reason 2234
to believe that the physician assistant has violated any provision 2235
of this chapter or rule adopted under it, other than being 2236
impaired by alcohol, drugs, or other substances. This division 2237
does not require reporting by any member of an impaired 2238
practitioner committee established by a health care facility or by 2239
any representative or agent of a committee or program sponsored by 2240
a professional association or society of physician assistants to 2241
provide peer assistance to physician assistants with substance 2242
abuse problems with respect to a physician assistant who has been 2243
referred for examination to a treatment program approved by the 2244
board under section 4731.25 of the Revised Code if the physician 2245
assistant cooperates with the referral for examination and with 2246
any determination that the physician assistant should enter 2247
treatment and as long as the committee member, representative, or 2248
agent has no reason to believe that the physician assistant has 2249
ceased to participate in the treatment program in accordance with 2250
section 4731.25 of the Revised Code or has violated any provision 2251
of this chapter or rule adopted under it, other than being 2252
impaired by alcohol, drugs, or other substances. 2253

(C) Any professional association or society composed 2254
primarily of physician assistants that suspends or revokes an 2255
individual's membership for violations of professional ethics, or 2256
for reasons of professional incompetence or professional 2257
malpractice, within sixty days after a final decision, shall 2258
report to the board, on forms prescribed and provided by the 2259
board, the name of the individual, the action taken by the 2260
professional organization, and a summary of the underlying facts 2261
leading to the action taken. 2262

The filing or nonfiling of a report with the board, 2263
investigation by the board, or any disciplinary action taken by 2264
the board, shall not preclude a professional organization from 2265
taking disciplinary action against a physician assistant. 2266

(D) Any insurer providing professional liability insurance to 2267
any person holding a valid ~~certificate~~ license to practice as a 2268
physician assistant issued under this chapter or any other entity 2269
that seeks to indemnify the professional liability of a physician 2270
assistant shall notify the board within thirty days after the 2271
final disposition of any written claim for damages where such 2272
disposition results in a payment exceeding twenty-five thousand 2273
dollars. The notice shall contain the following information: 2274

(1) The name and address of the person submitting the 2275
notification; 2276

(2) The name and address of the insured who is the subject of 2277
the claim; 2278

(3) The name of the person filing the written claim; 2279

(4) The date of final disposition; 2280

(5) If applicable, the identity of the court in which the 2281
final disposition of the claim took place. 2282

(E) The board may investigate possible violations of this 2283
chapter or the rules adopted under it that are brought to its 2284
attention as a result of the reporting requirements of this 2285
section, except that the board shall conduct an investigation if a 2286
possible violation involves repeated malpractice. As used in this 2287
division, "repeated malpractice" means three or more claims for 2288
malpractice within the previous five-year period, each resulting 2289
in a judgment or settlement in excess of twenty-five thousand 2290
dollars in favor of the claimant, and each involving negligent 2291
conduct by the physician assistant. 2292

(F) All summaries, reports, and records received and 2293
maintained by the board pursuant to this section shall be held in 2294
confidence and shall not be subject to discovery or introduction 2295
in evidence in any federal or state civil action involving a 2296
physician assistant, supervising physician, or health care 2297
facility arising out of matters that are the subject of the 2298
reporting required by this section. The board may use the 2299
information obtained only as the basis for an investigation, as 2300
evidence in a disciplinary hearing against a physician assistant 2301
or supervising physician, or in any subsequent trial or appeal of 2302
a board action or order. 2303

The board may disclose the summaries and reports it receives 2304
under this section only to health care facility committees within 2305
or outside this state that are involved in credentialing or 2306
recredentialing a physician assistant or supervising physician or 2307
reviewing their privilege to practice within a particular 2308
facility. The board shall indicate whether or not the information 2309
has been verified. Information transmitted by the board shall be 2310
subject to the same confidentiality provisions as when maintained 2311
by the board. 2312

(G) Except for reports filed by an individual pursuant to 2313
division (B) of this section, the board shall send a copy of any 2314
reports or summaries it receives pursuant to this section to the 2315
physician assistant. The physician assistant shall have the right 2316
to file a statement with the board concerning the correctness or 2317
relevance of the information. The statement shall at all times 2318
accompany that part of the record in contention. 2319

(H) An individual or entity that reports to the board or 2320
refers an impaired physician assistant to a treatment provider 2321
approved by the board under section 4731.25 of the Revised Code 2322
shall not be subject to suit for civil damages as a result of the 2323
report, referral, or provision of the information. 2324

(I) In the absence of fraud or bad faith, a professional association or society of physician assistants that sponsors a committee or program to provide peer assistance to a physician assistant with substance abuse problems, a representative or agent of such a committee or program, and a member of the state medical board shall not be held liable in damages to any person by reason of actions taken to refer a physician assistant to a treatment provider approved under section 4731.25 of the Revised Code for examination or treatment.

Sec. 4730.33. The secretary of the state medical board shall enforce the laws relating to the practice of physician assistants. If the secretary has knowledge or notice of a violation of this chapter or the rules adopted under it, the secretary shall investigate the matter, and, upon probable cause appearing, file a complaint and prosecute the offender. When requested by the secretary, the prosecuting attorney of the proper county shall take charge of and conduct such prosecution.

In the prosecution of any person for violation of division (A) of section 4730.02 of the Revised Code it shall not be necessary to allege or prove want of a valid ~~certificate~~ license to practice as a physician assistant, but such matters shall be a matter of defense to be established by the accused.

Sec. 4730.38. (A) Except as provided in division (B) of this section, the physician assistant policy committee of the state medical board shall, at such times the committee determines to be necessary, submit to the board recommendations regarding physician-delegated prescriptive authority for physician assistants. The committee's recommendations shall address both of the following:

(1) Policy and procedures regarding physician-delegated

prescriptive authority, ~~including the issuance of certificates to~~ 2355
~~prescribe under this chapter;~~ 2356

(2) Any issue the committee considers necessary to assist the 2357
board in fulfilling its duty to adopt rules governing 2358
physician-delegated prescriptive authority, ~~including the issuance~~ 2359
~~of certificates to prescribe.~~ 2360

(B) Not less than every six months beginning on the first day 2361
of June following ~~the effective date of this amendment~~ March 22, 2362
2013, the committee shall review the physician assistant formulary 2363
the board adopts pursuant to division (A)(1) of section 4730.39 of 2364
the Revised Code and, to the extent it determines to be necessary, 2365
submit recommendations proposing changes to the formulary. 2366

(C) Recommendations submitted under this section are subject 2367
to the procedures and time frames specified in division (C) of 2368
section 4730.06 of the Revised Code. 2369

Sec. 4730.39. (A) The state medical board shall do ~~both~~ all 2370
of the following: 2371

(1) Adopt a formulary listing the drugs and therapeutic 2372
devices by class and specific generic nomenclature that a 2373
physician may include in the physician-delegated prescriptive 2374
authority granted to a physician assistant who holds a ~~certificate~~ 2375
~~to prescribe under this chapter~~ valid prescriber number issued by 2376
the state medical board; 2377

(2) Adopt rules governing physician-delegated prescriptive 2378
authority for physician assistants, ~~including the issuance of~~ 2379
~~certificates to prescribe under this chapter;~~ 2380

(3) Establish standards and procedures for delegation under 2381
division (A) of section 4730.203 of the Revised Code of the 2382
authority to administer drugs. 2383

(B) The board's rules governing physician-delegated 2384

prescriptive authority adopted pursuant to division (A)(2) of this 2385
section shall be adopted in accordance with Chapter 119. of the 2386
Revised Code and shall establish all of the following: 2387

(1) Requirements regarding the pharmacology courses that a 2388
physician assistant is required to complete ~~to receive a~~ 2389
~~certificate to prescribe;~~ 2390

~~(2) Standards and procedures for the issuance and renewal of~~ 2391
~~certificates to prescribe to physician assistants;~~ 2392

~~(3) Standards and procedures for the appropriate conduct of~~ 2393
~~the provisional period that a physician assistant is required to~~ 2394
~~complete pursuant to section 4730.45 of the Revised Code and for~~ 2395
~~determining whether a physician assistant has successfully~~ 2396
~~completed the provisional period;~~ 2397

~~(4) A specific prohibition against prescribing any drug or~~ 2398
~~device to perform or induce an abortion;~~ 2399

~~(5)~~(3) Standards and procedures to be followed by a physician 2400
assistant in personally furnishing samples of drugs or complete or 2401
partial supplies of drugs to patients under section 4730.43 of the 2402
Revised Code; 2403

~~(6)~~(4) Any other requirements the board considers necessary 2404
to implement the provisions of this chapter regarding 2405
physician-delegated prescriptive authority ~~and the issuance of~~ 2406
~~certificates to prescribe.~~ 2407

(C)(1) After considering recommendations submitted by the 2408
physician assistant policy committee pursuant to sections 4730.06 2409
and 4730.38 of the Revised Code, the board shall review either or 2410
both of the following, as appropriate according to the submitted 2411
recommendations: 2412

(a) The formulary the board adopts under division (A)(1) of 2413
this section; 2414

(b) The rules the board adopts under division (A)(2) of this section regarding physician-delegated prescriptive authority. 2415
2416

(2) Based on its review, the board shall make any necessary modifications to the formulary or rules. 2417
2418

Sec. 4730.41. (A) ~~A certificate to prescribe issued under this chapter authorizes a~~ physician assistant who holds a valid prescriber number issued by the state medical board is authorized to prescribe and personally furnish drugs and therapeutic devices in the exercise of physician-delegated prescriptive authority. 2419
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2423

(B) In exercising physician-delegated prescriptive authority, a physician assistant is subject to all of the following: 2424
2425

(1) The physician assistant shall exercise physician-delegated prescriptive authority only to the extent that the physician supervising the physician assistant has granted that authority. 2426
2427
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2429

(2) The physician assistant shall comply with all conditions placed on the physician-delegated prescriptive authority, as specified by the supervising physician who is supervising the physician assistant in the exercise of physician-delegated prescriptive authority. 2430
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(3) If the physician assistant possesses physician-delegated prescriptive authority for controlled substances, the physician assistant shall register with the federal drug enforcement administration. 2435
2436
2437
2438

(4) If the physician assistant possesses physician-delegated prescriptive authority for schedule II controlled substances, the physician assistant shall comply with section 4730.411 of the Revised Code. 2439
2440
2441
2442

Sec. 4730.42. (A) In granting physician-delegated 2443

prescriptive authority to a particular physician assistant who 2444
holds a ~~certificate to prescribe~~ valid prescriber number issued 2445
~~under this chapter by the state medical board~~, the supervising 2446
physician is subject to all of the following: 2447

(1) The supervising physician shall not grant 2448
physician-delegated prescriptive authority for any drug or 2449
therapeutic device that is not listed on the physician assistant 2450
formulary adopted under section 4730.39 of the Revised Code as a 2451
drug or therapeutic device that may be included in the 2452
physician-delegated prescriptive authority granted to a physician 2453
assistant. 2454

(2) The supervising physician shall not grant 2455
physician-delegated prescriptive authority for any drug or device 2456
that may be used to perform or induce an abortion. 2457

(3) The supervising physician shall not grant 2458
physician-delegated prescriptive authority in a manner that 2459
exceeds the supervising physician's prescriptive authority, 2460
including the physician's authority to treat chronic pain with 2461
controlled substances and products containing tramadol as 2462
described in section 4731.052 of the Revised Code. 2463

(4) The supervising physician shall supervise the physician 2464
assistant in accordance with ~~all~~ both of the following: 2465

(a) The supervision requirements specified in section 4730.21 2466
of the Revised Code ~~and, in the case of supervision provided~~ 2467
~~during a provisional period of physician-delegated prescriptive~~ 2468
~~authority, the supervision requirements specified in section~~ 2469
~~4730.45 of the Revised Code;~~ 2470

(b) The ~~physician supervisory plan approved for the~~ 2471
~~supervising physician or~~ supervision agreement entered into with 2472
the physician assistant under section 4730.19 of the Revised Code, 2473

including, if applicable, the policies of the health care facility 2474
in which the physician and physician assistant are practicing+ 2475

~~(c) The supervision agreement approved under section 4730.19 2476
of the Revised Code that applies to the supervising physician and 2477
the physician assistant. 2478~~

(B)(1) The supervising physician of a physician assistant may 2479
place conditions on the physician-delegated prescriptive authority 2480
granted to the physician assistant. If conditions are placed on 2481
that authority, the supervising physician shall maintain a written 2482
record of the conditions and make the record available to the 2483
state medical board on request. 2484

(2) The conditions that a supervising physician may place on 2485
the physician-delegated prescriptive authority granted to a 2486
physician assistant include the following: 2487

(a) Identification by class and specific generic nomenclature 2488
of drugs and therapeutic devices that the physician chooses not to 2489
permit the physician assistant to prescribe; 2490

(b) Limitations on the dosage units or refills that the 2491
physician assistant is authorized to prescribe; 2492

(c) Specification of circumstances under which the physician 2493
assistant is required to refer patients to the supervising 2494
physician or another physician when exercising physician-delegated 2495
prescriptive authority; 2496

(d) Responsibilities to be fulfilled by the physician in 2497
supervising the physician assistant that are not otherwise 2498
specified in the ~~physician supervisory plan~~ supervision agreement 2499
or otherwise required by this chapter. 2500

Sec. 4730.43. (A) A physician assistant who holds a 2501
~~certificate to prescribe~~ valid prescriber number issued ~~under this~~ 2502
~~chapter~~ by the state medical board and has been granted 2503

physician-delegated prescriptive authority ~~by a supervising~~ 2504
~~physician~~ may personally furnish to a patient samples of drugs and 2505
therapeutic devices that are included in the physician assistant's 2506
physician-delegated prescriptive authority, subject to all of the 2507
following: 2508

(1) The amount of the sample furnished shall not exceed a 2509
seventy-two-hour supply, except when the minimum available 2510
quantity of the sample is packaged in an amount that is greater 2511
than a seventy-two-hour supply, in which case the physician 2512
assistant may furnish the sample in the package amount. 2513

(2) No charge may be imposed for the sample or for furnishing 2514
it. 2515

(3) Samples of controlled substances may not be personally 2516
furnished. 2517

(B) A physician assistant who holds a ~~certificate to~~ 2518
~~prescribe~~ valid prescriber number issued ~~under this chapter~~ by the 2519
board and has been granted physician-delegated prescriptive 2520
authority ~~by a supervising physician~~ may personally furnish to a 2521
patient a complete or partial supply of the drugs and therapeutic 2522
devices that are included in the physician assistant's 2523
physician-delegated prescriptive authority, subject to all of the 2524
following: 2525

(1) The physician assistant shall personally furnish only 2526
antibiotics, antifungals, scabicides, contraceptives, prenatal 2527
vitamins, antihypertensives, drugs and devices used in the 2528
treatment of diabetes, drugs and devices used in the treatment of 2529
asthma, and drugs used in the treatment of dyslipidemia. 2530

(2) The physician assistant shall not furnish the drugs and 2531
devices in locations other than a health department operated by 2532
the board of health of a city or general health district or the 2533

authority having the duties of a board of health under section 2534
3709.05 of the Revised Code, a federally funded comprehensive 2535
primary care clinic, or a nonprofit health care clinic or program. 2536

(3) The physician assistant shall comply with all standards 2537
and procedures for personally furnishing supplies of drugs and 2538
devices, as established in rules adopted under section 4730.39 of 2539
the Revised Code. 2540

Sec. 4730.49. (A) To be eligible for renewal of a ~~certificate~~ 2541
~~to prescribe~~ license to practice as a physician assistant, an 2542
applicant shall complete every two years at least twelve hours of 2543
continuing education in pharmacology from an accredited 2544
institution recognized by the state medical board. Except as 2545
provided in division (B) of this section and in section 5903.12 of 2546
the Revised Code, the continuing education shall be completed not 2547
later than the thirty-first day of January of each even-numbered 2548
year. 2549

(B) The state medical board shall provide for pro rata 2550
reductions by month of the number of hours of continuing education 2551
in pharmacology that is required to be completed for physician 2552
assistants who are in their first ~~certification~~ licensure period 2553
after completing the ~~provisional~~ period of supervision required 2554
under section ~~4730.45~~ 4730.12 of the Revised Code, who have been 2555
disabled due to illness or accident, or who have been absent from 2556
the country. The board shall adopt rules, in accordance with 2557
Chapter 119. of the Revised Code, as necessary to implement this 2558
division. 2559

(C) The continuing education required by this section is in 2560
addition to the continuing education required under section 2561
4730.14 of the Revised Code. 2562

Sec. 4730.51. In the information the board maintains on ~~the~~ 2563

its internet web site, the state medical board shall include the 2564
following: 2565

(A) The name of each physician assistant who holds a 2566
~~certificate to prescribe~~ license under this chapter; 2567

(B) For each physician assistant who holds a ~~certificate to~~ 2568
~~prescribe~~ valid prescriber number issued by the state medical 2569
board, the name of each supervising physician who has authority to 2570
grant physician-delegated prescriptive authority to the physician 2571
assistant. 2572

Sec. 4730.53. (A) As used in this section, "drug database" 2573
means the database established and maintained by the state board 2574
of pharmacy pursuant to section 4729.75 of the Revised Code. 2575

(B) The state medical board shall adopt rules in accordance 2576
with Chapter 119. of the Revised Code that establish standards and 2577
procedures to be followed by a physician assistant ~~who holds a~~ 2578
~~certificate to prescribe issued~~ licensed under this chapter who 2579
has been granted physician-delegated prescriptive authority 2580
regarding the review of patient information available through the 2581
drug database under division (A)(5) of section 4729.80 of the 2582
Revised Code. 2583

(C) This section and the rules adopted under it do not apply 2584
if the state board of pharmacy no longer maintains the drug 2585
database. 2586

Sec. 4731.07. (A) The state medical board shall keep a record 2587
of its proceedings. The minutes of a meeting of the board shall, 2588
on approval by the board, constitute an official record of its 2589
proceedings. 2590

(B) The board shall keep a register of applicants for 2591
certificates of registration and certificates to practice issued 2592

under this chapter and Chapters ~~4730.~~, 4760., 4762., and 4774. of 2593
the Revised Code and licenses issued under ~~Chapter~~ Chapters 4730. 2594
and 4778. of the Revised Code. The register shall show the name of 2595
the applicant and whether the applicant was granted or refused a 2596
certificate or license. With respect to applicants to practice 2597
medicine and surgery or osteopathic medicine and surgery, the 2598
register shall show the name of the institution that granted the 2599
applicant the degree of doctor of medicine or osteopathic 2600
medicine. The books and records of the board shall be prima-facie 2601
evidence of matters therein contained. 2602

Sec. 4765.01. As used in this chapter: 2603

(A) "First responder" means an individual who holds a 2604
current, valid certificate issued under section 4765.30 of the 2605
Revised Code to practice as a first responder. 2606

(B) "Emergency medical technician-basic" or "EMT-basic" means 2607
an individual who holds a current, valid certificate issued under 2608
section 4765.30 of the Revised Code to practice as an emergency 2609
medical technician-basic. 2610

(C) "Emergency medical technician-intermediate" or "EMT-I" 2611
means an individual who holds a current, valid certificate issued 2612
under section 4765.30 of the Revised Code to practice as an 2613
emergency medical technician-intermediate. 2614

(D) "Emergency medical technician-paramedic" or "paramedic" 2615
means an individual who holds a current, valid certificate issued 2616
under section 4765.30 of the Revised Code to practice as an 2617
emergency medical technician-paramedic. 2618

(E) "Ambulance" means any motor vehicle that is used, or is 2619
intended to be used, for the purpose of responding to emergency 2620
medical situations, transporting emergency patients, and 2621
administering emergency medical service to patients before, 2622

during, or after transportation. 2623

(F) "Cardiac monitoring" means a procedure used for the 2624
purpose of observing and documenting the rate and rhythm of a 2625
patient's heart by attaching electrical leads from an 2626
electrocardiograph monitor to certain points on the patient's body 2627
surface. 2628

(G) "Emergency medical service" means any of the services 2629
described in sections 4765.35, 4765.37, 4765.38, and 4765.39 of 2630
the Revised Code that are performed by first responders, emergency 2631
medical technicians-basic, emergency medical 2632
technicians-intermediate, and paramedics. "Emergency medical 2633
service" includes such services performed before or during any 2634
transport of a patient, including transports between hospitals and 2635
transports to and from helicopters. 2636

(H) "Emergency medical service organization" means a public 2637
or private organization using first responders, EMTs-basic, 2638
EMTs-I, or paramedics, or a combination of first responders, 2639
EMTs-basic, EMTs-I, and paramedics, to provide emergency medical 2640
services. 2641

(I) "Physician" means an individual who holds a current, 2642
valid certificate issued under Chapter 4731. of the Revised Code 2643
authorizing the practice of medicine and surgery or osteopathic 2644
medicine and surgery. 2645

(J) "Registered nurse" means an individual who holds a 2646
current, valid license issued under Chapter 4723. of the Revised 2647
Code authorizing the practice of nursing as a registered nurse. 2648

(K) "Volunteer" means a person who provides services either 2649
for no compensation or for compensation that does not exceed the 2650
actual expenses incurred in providing the services or in training 2651
to provide the services. 2652

(L) "Emergency medical service personnel" means first 2653

responders, emergency medical service technicians-basic, emergency 2654
medical service technicians-intermediate, emergency medical 2655
service technicians-paramedic, and persons who provide medical 2656
direction to such persons. 2657

(M) "Hospital" has the same meaning as in section 3727.01 of 2658
the Revised Code. 2659

(N) "Trauma" or "traumatic injury" means severe damage to or 2660
destruction of tissue that satisfies both of the following 2661
conditions: 2662

(1) It creates a significant risk of any of the following: 2663

(a) Loss of life; 2664

(b) Loss of a limb; 2665

(c) Significant, permanent disfigurement; 2666

(d) Significant, permanent disability. 2667

(2) It is caused by any of the following: 2668

(a) Blunt or penetrating injury; 2669

(b) Exposure to electromagnetic, chemical, or radioactive 2670
energy; 2671

(c) Drowning, suffocation, or strangulation; 2672

(d) A deficit or excess of heat. 2673

(O) "Trauma victim" or "trauma patient" means a person who 2674
has sustained a traumatic injury. 2675

(P) "Trauma care" means the assessment, diagnosis, 2676
transportation, treatment, or rehabilitation of a trauma victim by 2677
emergency medical service personnel or by a physician, nurse, 2678
physician assistant, respiratory therapist, physical therapist, 2679
chiropractor, occupational therapist, speech-language pathologist, 2680
audiologist, or psychologist licensed to practice as such in this 2681
state or another jurisdiction. 2682

- (Q) "Trauma center" means all of the following: 2683
- (1) Any hospital that is verified by the American college of 2684
surgeons as an adult or pediatric trauma center; 2685
- (2) Any hospital that is operating as an adult or pediatric 2686
trauma center under provisional status pursuant to section 2687
3727.101 of the Revised Code; 2688
- (3) Until December 31, 2004, any hospital in this state that 2689
is designated by the director of health as a level II pediatric 2690
trauma center under section 3727.081 of the Revised Code; 2691
- (4) Any hospital in another state that is licensed or 2692
designated under the laws of that state as capable of providing 2693
specialized trauma care appropriate to the medical needs of the 2694
trauma patient. 2695
- (R) "Pediatric" means involving a patient who is less than 2696
sixteen years of age. 2697
- (S) "Adult" means involving a patient who is not a pediatric 2698
patient. 2699
- (T) "Geriatric" means involving a patient who is at least 2700
seventy years old or exhibits significant anatomical or 2701
physiological characteristics associated with advanced aging. 2702
- (U) "Air medical organization" means an organization that 2703
provides emergency medical services, or transports emergency 2704
victims, by means of fixed or rotary wing aircraft. 2705
- (V) "Emergency care" and "emergency facility" have the same 2706
meanings as in section 3727.01 of the Revised Code. 2707
- (W) "Stabilize," except as it is used in division (B) of 2708
section 4765.35 of the Revised Code with respect to the manual 2709
stabilization of fractures, has the same meaning as in section 2710
1753.28 of the Revised Code. 2711
- (X) "Transfer" has the same meaning as in section 1753.28 of 2712

the Revised Code. 2713

(Y) "Firefighter" means any member of a fire department as 2714
defined in section 742.01 of the Revised Code. 2715

(Z) "Volunteer firefighter" has the same meaning as in 2716
section 146.01 of the Revised Code. 2717

(AA) "Part-time paid firefighter" means a person who provides 2718
firefighting services on less than a full-time basis, is routinely 2719
scheduled to be present on site at a fire station or other 2720
designated location for purposes of responding to a fire or other 2721
emergency, and receives more than nominal compensation for the 2722
provision of firefighting services. 2723

(BB) "Physician assistant" means an individual who holds a 2724
current, valid certificate license to practice as a physician 2725
assistant issued under Chapter 4730. of the Revised Code. 2726

Sec. 4765.51. Nothing in this chapter prevents or restricts 2727
the practice, services, or activities of any registered nurse 2728
practicing within the scope of the registered nurse's practice. 2729

Nothing in this chapter prevents or restricts the practice, 2730
services, or activities of any physician assistant practicing in 2731
accordance with a ~~physician supervisory plan approved~~ supervision 2732
agreement entered into under section ~~4730.17~~ 4730.19 of the 2733
Revised Code ~~or, including, if applicable,~~ the policies of the 2734
health care facility in which the physician assistant is 2735
practicing. 2736

Sec. 5123.47. (A) As used in this section: 2737

(1) "In-home care" means the supportive services provided 2738
within the home of an individual with mental retardation or a 2739
developmental disability who receives funding for the services 2740
through a county board of developmental disabilities, including 2741

any recipient of residential services funded as home and 2742
community-based services, family support services provided under 2743
section 5126.11 of the Revised Code, or supported living provided 2744
in accordance with sections 5126.41 to 5126.47 of the Revised 2745
Code. "In-home care" includes care that is provided outside an 2746
individual's home in places incidental to the home, and while 2747
traveling to places incidental to the home, except that "in-home 2748
care" does not include care provided in the facilities of a county 2749
board of developmental disabilities or care provided in schools. 2750

(2) "Parent" means either parent of a child, including an 2751
adoptive parent but not a foster parent. 2752

(3) "Unlicensed in-home care worker" means an individual who 2753
provides in-home care but is not a health care professional. 2754

(4) "Family member" means a parent, sibling, spouse, son, 2755
daughter, grandparent, aunt, uncle, cousin, or guardian of the 2756
individual with mental retardation or a developmental disability 2757
if the individual with mental retardation or developmental 2758
disabilities lives with the person and is dependent on the person 2759
to the extent that, if the supports were withdrawn, another living 2760
arrangement would have to be found. 2761

(5) "Health care professional" means any of the following: 2762

(a) A dentist who holds a valid license issued under Chapter 2763
4715. of the Revised Code; 2764

(b) A registered or licensed practical nurse who holds a 2765
valid license issued under Chapter 4723. of the Revised Code; 2766

(c) An optometrist who holds a valid license issued under 2767
Chapter 4725. of the Revised Code; 2768

(d) A pharmacist who holds a valid license issued under 2769
Chapter 4729. of the Revised Code; 2770

(e) A person who holds a valid certificate issued under 2771

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| Chapter 4731. of the Revised Code to practice medicine and | 2772 |
| surgery, osteopathic medicine and surgery, podiatric medicine and | 2773 |
| surgery, or a limited brand of medicine; | 2774 |
| (f) A physician assistant who holds a valid certificate | 2775 |
| <u>license</u> issued under Chapter 4730. of the Revised Code; | 2776 |
| (g) An occupational therapist or occupational therapy | 2777 |
| assistant or a physical therapist or physical therapist assistant | 2778 |
| who holds a valid license issued under Chapter 4755. of the | 2779 |
| Revised Code; | 2780 |
| (h) A respiratory care professional who holds a valid license | 2781 |
| issued under Chapter 4761. of the Revised Code. | 2782 |
| (6) "Health care task" means a task that is prescribed, | 2783 |
| ordered, delegated, or otherwise directed by a health care | 2784 |
| professional acting within the scope of the professional's | 2785 |
| practice. | 2786 |
| (B) Except as provided in division (E) of this section, a | 2787 |
| family member of an individual with mental retardation or a | 2788 |
| developmental disability may authorize an unlicensed in-home care | 2789 |
| worker to administer oral and topical prescribed medications or | 2790 |
| perform other health care tasks as part of the in-home care the | 2791 |
| worker provides to the individual, if all of the following apply: | 2792 |
| (1) The family member is the primary supervisor of the care. | 2793 |
| (2) The unlicensed in-home care worker has been selected by | 2794 |
| the family member or the individual receiving care and is under | 2795 |
| the direct supervision of the family member. | 2796 |
| (3) The unlicensed in-home care worker is providing the care | 2797 |
| through an employment or other arrangement entered into directly | 2798 |
| with the family member and is not otherwise employed by or under | 2799 |
| contract with a person or government entity to provide services to | 2800 |
| individuals with mental retardation and developmental | 2801 |

disabilities. 2802

(C) A family member shall obtain a prescription, if 2803
applicable, and written instructions from a health care 2804
professional for the care to be provided to the individual. The 2805
family member shall authorize the unlicensed in-home care worker 2806
to provide the care by preparing a written document granting the 2807
authority. The family member shall provide the unlicensed in-home 2808
care worker with appropriate training and written instructions in 2809
accordance with the instructions obtained from the health care 2810
professional. 2811

(D) A family member who authorizes an unlicensed in-home care 2812
worker to administer oral and topical prescribed medications or 2813
perform other health care tasks retains full responsibility for 2814
the health and safety of the individual receiving the care and for 2815
ensuring that the worker provides the care appropriately and 2816
safely. No entity that funds or monitors the provision of in-home 2817
care may be held liable for the results of the care provided under 2818
this section by an unlicensed in-home care worker, including such 2819
entities as the county board of developmental disabilities and the 2820
department of developmental disabilities. 2821

An unlicensed in-home care worker who is authorized under 2822
this section by a family member to provide care to an individual 2823
may not be held liable for any injury caused in providing the 2824
care, unless the worker provides the care in a manner that is not 2825
in accordance with the training and instructions received or the 2826
worker acts in a manner that constitutes wanton or reckless 2827
misconduct. 2828

(E) A county board of developmental disabilities may evaluate 2829
the authority granted by a family member under this section to an 2830
unlicensed in-home care worker at any time it considers necessary 2831
and shall evaluate the authority on receipt of a complaint. If the 2832
board determines that a family member has acted in a manner that 2833

is inappropriate for the health and safety of the individual 2834
receiving the care, the authorization granted by the family member 2835
to an unlicensed in-home care worker is void, and the family 2836
member may not authorize other unlicensed in-home care workers to 2837
provide the care. In making such a determination, the board shall 2838
use appropriately licensed health care professionals and shall 2839
provide the family member an opportunity to file a complaint under 2840
section 5126.06 of the Revised Code. 2841

Section 2. That existing sections 1.64, 2133.211, 2151.3515 2842
2305.113, 3701.92, 4503.44, 4729.01, 4730.01, 4730.02, 4730.03, 2843
4730.04, 4730.06, 4730.08, 4730.091, 4730.092, 4730.10, 4730.101, 2844
4730.11, 4730.12, 4730.13, 4730.14, 4730.19, 4730.21, 4730.22, 2845
4730.25, 4730.251, 4730.27, 4730.28, 4730.31, 4730.32, 4730.33, 2846
4730.38, 4730.39, 4730.41, 4730.42, 4730.43, 4730.49, 4730.51, 2847
4730.53, 4731.07, 4765.01, 4765.51, and 5123.47 and sections 2848
4730.081, 4730.09, 4730.15, 4730.16, 4730.17, 4730.18, 4730.20, 2849
4730.44, 4730.45, 4730.46, 4730.47, 4730.48, 4730.50, and 4730.52 2850
of the Revised Code are hereby repealed. 2851

Section 3. (A) The State Medical Board may continue to issue 2852
certificates to practice and certificates to prescribe pursuant to 2853
Chapter 4730. of the Revised Code for not longer than ninety days 2854
after the effective date of this act. Thereafter, the Board shall 2855
issue physician assistant licenses in compliance with this act. 2856

(B) Certificates to practice and certificates to prescribe 2857
issued pursuant to division (A) of this section or Chapter 4730. 2858
of the Revised Code, as it existed immediately prior to the 2859
effective date of this act, shall satisfy the requirements for 2860
physician assistant licenses, as created by this act, until the 2861
thirty-first day of January of the first even-numbered year 2862
following the effective date of this act. 2863