

As Re-reported by the Senate Rules Committee

130th General Assembly

Regular Session

2013-2014

Sub. H. B. No. 412

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**

—

A B I L L

To amend sections 1.64, 2133.211, 2151.3515, 1
2305.113, 2925.61, 3701.92, 3727.06, 3729.05, 2
4123.01, 4123.026, 4123.46, 4503.44, 4723.01, 3
4723.06, 4723.07, 4723.18, 4723.181, 4723.48, 4
4723.482, 4723.50, 4729.01, 4730.01, 4730.02, 5
4730.03, 4730.04, 4730.06, 4730.08, 4730.091, 6
4730.10, 4730.101, 4730.11, 4730.12, 4730.13, 7
4730.14, 4730.19, 4730.21, 4730.22, 4730.25, 8
4730.251, 4730.27, 4730.28, 4730.31, 4730.32, 9
4730.33, 4730.38, 4730.39, 4730.41, 4730.42, 10
4730.43, 4730.431, 4730.49, 4730.51, 4730.53, 11
4731.07, 4761.01, 4761.17, 4765.01, 4765.51, 12
5122.11, 5122.111, and 5123.47; to amend, for the 13
purpose of adopting new section numbers as 14
indicated in parentheses, section 4730.091 15
(4730.201) and 4730.092 (4730.202); to enact new 16
section 4730.20 and sections 4723.489, 4730.111, 17
and 4730.203; and to repeal sections 4730.081, 18
4730.09, 4730.15, 4730.16, 4730.17, 4730.18, 19
4730.20, 4730.44, 4730.45, 4730.46, 4730.47, 20
4730.48, 4730.50, and 4730.52 of the Revised Code 21

to revise the law governing the practice of 22
physician assistants, the practice of advanced 23
practice registered nurses, eligibility for 24
compensation and benefits under Ohio's Workers' 25
Compensation Law, the proceedings for 26
court-ordered treatment of a mentally ill person, 27
and the licensure of recreational vehicle parks 28
and recreation camps, and to amend the versions of 29
sections 4730.25 and 4730.53 of the Revised Code 30
that are scheduled to take effect April 1, 2015, 31
to continue the provisions of this act on and 32
after that effective date. 33

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

Section 1. That sections 1.64, 2133.211, 2151.3515, 2305.113, 34
2925.61, 3701.92, 3727.06, 3729.05, 4123.01, 4123.026, 4123.46, 35
4503.44, 4723.01, 4723.06, 4723.07, 4723.18, 4723.181, 4723.48, 36
4723.482, 4723.50, 4729.01, 4730.01, 4730.02, 4730.03, 4730.04, 37
4730.06, 4730.08, 4730.091, 4730.10, 4730.101, 4730.11, 4730.12, 38
4730.13, 4730.14, 4730.19, 4730.21, 4730.22, 4730.25, 4730.251, 39
4730.27, 4730.28, 4730.31, 4730.32, 4730.33, 4730.38, 4730.39, 40
4730.41, 4730.42, 4730.43, 4730.431, 4730.49, 4730.51, 4730.53, 41
4731.07, 4761.01, 4761.17, 4765.01, 4765.51, 5122.11, 5122.111, 42
and 5123.47 be amended, sections 4730.091 (4730.201) and 4730.092 43
(4730.202) be amended for the purpose of adopting new section 44
numbers as indicated in parentheses, and new section 4730.20 and 45
sections 4723.489, 4730.111, and 4730.203 of the Revised Code be 46
enacted to read as follows: 47

Sec. 1.64. As used in the Revised Code: 48

(A) "Certified nurse-midwife" means a registered nurse who 49
holds a valid certificate of authority issued under Chapter 4723. 50

of the Revised Code that authorizes the practice of nursing as a 51
certified nurse-midwife in accordance with section 4723.43 of the 52
Revised Code and rules adopted by the board of nursing. 53

(B) "Certified nurse practitioner" means a registered nurse 54
who holds a valid certificate of authority issued under Chapter 55
4723. of the Revised Code that authorizes the practice of nursing 56
as a certified nurse practitioner in accordance with section 57
4723.43 of the Revised Code and rules adopted by the board of 58
nursing. 59

(C) "Clinical nurse specialist" means a registered nurse who 60
holds a valid certificate of authority issued under Chapter 4723. 61
of the Revised Code that authorizes the practice of nursing as a 62
clinical nurse specialist in accordance with section 4723.43 of 63
the Revised Code and rules adopted by the board of nursing. 64

(D) "Physician assistant" means an individual who ~~holds a~~ 65
~~valid certificate to practice issued~~ is licensed under Chapter 66
4730. of the Revised Code ~~authorizing the individual~~ to provide 67
services as a physician assistant to patients under the 68
supervision, control, and direction of one or more physicians. 69

Sec. 2133.211. A person who holds a certificate of authority 70
~~to practice~~ as a certified nurse practitioner or clinical nurse 71
specialist issued under ~~section 4723.42~~ Chapter 4723. of the 72
Revised Code may take any action that may be taken by an attending 73
physician under sections 2133.21 to 2133.26 of the Revised Code 74
and has the immunity provided by section 2133.22 of the Revised 75
Code if the action is taken pursuant to a standard care 76
arrangement with a collaborating physician. 77

A person who holds a ~~certificate~~ license to practice as a 78
physician assistant issued under Chapter 4730. of the Revised Code 79
may take any action that may be taken by an attending physician 80
under sections 2133.21 to 2133.26 of the Revised Code and has the 81

immunity provided by section 2133.22 of the Revised Code if the 82
action is taken pursuant to a ~~physician supervisory plan approved~~ 83
~~pursuant to~~ supervision agreement entered into under section 84
~~4730.17~~ 4730.19 of the Revised Code ~~or, including, if applicable~~ 85
the policies of a health care facility in which the physician 86
assistant is practicing. 87

Sec. 2151.3515. As used in sections 2151.3515 to 2151.3530 of 88
the Revised Code: 89

(A) "Deserted child" means a child whose parent has 90
voluntarily delivered the child to an emergency medical service 91
worker, peace officer, or hospital employee without expressing an 92
intent to return for the child. 93

(B) "Emergency medical service organization," "emergency 94
medical technician-basic," "emergency medical 95
technician-intermediate," "first responder," and "paramedic" have 96
the same meanings as in section 4765.01 of the Revised Code. 97

(C) "Emergency medical service worker" means a first 98
responder, emergency medical technician-basic, emergency medical 99
technician-intermediate, or paramedic. 100

(D) "Hospital" has the same meaning as in section 3727.01 of 101
the Revised Code. 102

(E) "Hospital employee" means any of the following persons: 103

(1) A physician who has been granted privileges to practice 104
at the hospital; 105

(2) A nurse, physician assistant, or nursing assistant 106
employed by the hospital; 107

(3) An authorized person employed by the hospital who is 108
acting under the direction of a physician described in division 109
(E)(1) of this section. 110

(F) "Law enforcement agency" means an organization or entity 111
made up of peace officers. 112

(G) "Nurse" means a person who is licensed under Chapter 113
4723. of the Revised Code to practice as a registered nurse or 114
licensed practical nurse. 115

(H) "Nursing assistant" means a person designated by a 116
hospital as a nurse aide or nursing assistant whose job is to aid 117
nurses, physicians, and physician assistants in the performance of 118
their duties. 119

(I) "Peace officer" means a sheriff, deputy sheriff, 120
constable, police officer of a township or joint police district, 121
marshal, deputy marshal, municipal police officer, or a state 122
highway patrol trooper. 123

(J) "Physician" ~~and "physician assistant" have the same~~ 124
~~meanings as in section 4730.01~~ means an individual authorized 125
under Chapter 4731. of the Revised Code to practice medicine and 126
surgery, osteopathic medicine and surgery, or podiatric medicine 127
and surgery. 128

(K) "Physician assistant" means an individual who holds a 129
current, valid license to practice as a physician assistant issued 130
under Chapter 4730. of the Revised Code. 131

Sec. 2305.113. (A) Except as otherwise provided in this 132
section, an action upon a medical, dental, optometric, or 133
chiropractic claim shall be commenced within one year after the 134
cause of action accrued. 135

(B)(1) If prior to the expiration of the one-year period 136
specified in division (A) of this section, a claimant who 137
allegedly possesses a medical, dental, optometric, or chiropractic 138
claim gives to the person who is the subject of that claim written 139
notice that the claimant is considering bringing an action upon 140

that claim, that action may be commenced against the person 141
notified at any time within one hundred eighty days after the 142
notice is so given. 143

(2) An insurance company shall not consider the existence or 144
nonexistence of a written notice described in division (B)(1) of 145
this section in setting the liability insurance premium rates that 146
the company may charge the company's insured person who is 147
notified by that written notice. 148

(C) Except as to persons within the age of minority or of 149
unsound mind as provided by section 2305.16 of the Revised Code, 150
and except as provided in division (D) of this section, both of 151
the following apply: 152

(1) No action upon a medical, dental, optometric, or 153
chiropractic claim shall be commenced more than four years after 154
the occurrence of the act or omission constituting the alleged 155
basis of the medical, dental, optometric, or chiropractic claim. 156

(2) If an action upon a medical, dental, optometric, or 157
chiropractic claim is not commenced within four years after the 158
occurrence of the act or omission constituting the alleged basis 159
of the medical, dental, optometric, or chiropractic claim, then, 160
any action upon that claim is barred. 161

(D)(1) If a person making a medical claim, dental claim, 162
optometric claim, or chiropractic claim, in the exercise of 163
reasonable care and diligence, could not have discovered the 164
injury resulting from the act or omission constituting the alleged 165
basis of the claim within three years after the occurrence of the 166
act or omission, but, in the exercise of reasonable care and 167
diligence, discovers the injury resulting from that act or 168
omission before the expiration of the four-year period specified 169
in division (C)(1) of this section, the person may commence an 170
action upon the claim not later than one year after the person 171

discovers the injury resulting from that act or omission. 172

(2) If the alleged basis of a medical claim, dental claim, 173
optometric claim, or chiropractic claim is the occurrence of an 174
act or omission that involves a foreign object that is left in the 175
body of the person making the claim, the person may commence an 176
action upon the claim not later than one year after the person 177
discovered the foreign object or not later than one year after the 178
person, with reasonable care and diligence, should have discovered 179
the foreign object. 180

(3) A person who commences an action upon a medical claim, 181
dental claim, optometric claim, or chiropractic claim under the 182
circumstances described in division (D)(1) or (2) of this section 183
has the affirmative burden of proving, by clear and convincing 184
evidence, that the person, with reasonable care and diligence, 185
could not have discovered the injury resulting from the act or 186
omission constituting the alleged basis of the claim within the 187
three-year period described in division (D)(1) of this section or 188
within the one-year period described in division (D)(2) of this 189
section, whichever is applicable. 190

(E) As used in this section: 191

(1) "Hospital" includes any person, corporation, association, 192
board, or authority that is responsible for the operation of any 193
hospital licensed or registered in the state, including, but not 194
limited to, those that are owned or operated by the state, 195
political subdivisions, any person, any corporation, or any 196
combination of the state, political subdivisions, persons, and 197
corporations. "Hospital" also includes any person, corporation, 198
association, board, entity, or authority that is responsible for 199
the operation of any clinic that employs a full-time staff of 200
physicians practicing in more than one recognized medical 201
specialty and rendering advice, diagnosis, care, and treatment to 202
individuals. "Hospital" does not include any hospital operated by 203

the government of the United States or any of its branches. 204

(2) "Physician" means a person who is licensed to practice 205
medicine and surgery or osteopathic medicine and surgery by the 206
state medical board or a person who otherwise is authorized to 207
practice medicine and surgery or osteopathic medicine and surgery 208
in this state. 209

(3) "Medical claim" means any claim that is asserted in any 210
civil action against a physician, podiatrist, hospital, home, or 211
residential facility, against any employee or agent of a 212
physician, podiatrist, hospital, home, or residential facility, or 213
against a licensed practical nurse, registered nurse, advanced 214
practice registered nurse, physical therapist, physician 215
assistant, emergency medical technician-basic, emergency medical 216
technician-intermediate, or emergency medical 217
technician-paramedic, and that arises out of the medical 218
diagnosis, care, or treatment of any person. "Medical claim" 219
includes the following: 220

(a) Derivative claims for relief that arise from the medical 221
diagnosis, care, or treatment of a person; 222

(b) Claims that arise out of the medical diagnosis, care, or 223
treatment of any person and to which either of the following 224
applies: 225

(i) The claim results from acts or omissions in providing 226
medical care. 227

(ii) The claim results from the hiring, training, 228
supervision, retention, or termination of caregivers providing 229
medical diagnosis, care, or treatment. 230

(c) Claims that arise out of the medical diagnosis, care, or 231
treatment of any person and that are brought under section 3721.17 232
of the Revised Code. 233

(4) "Podiatrist" means any person who is licensed to practice podiatric medicine and surgery by the state medical board.	234 235
(5) "Dentist" means any person who is licensed to practice dentistry by the state dental board.	236 237
(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.	238 239 240 241 242 243
(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 recovery of damages for any of the following:	244 245 246 247 248 249 250 251
(a) Loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education, or any other intangible loss that was sustained by the parent, guardian, custodian, or spouse;	252 253 254 255
(b) Expenditures of the parent, guardian, custodian, or spouse for medical, dental, optometric, or chiropractic care or treatment, for rehabilitation services, or for other care, treatment, services, products, or accommodations provided to the individual who was the subject of the medical diagnosis, care, or treatment, the dental diagnosis, care, or treatment, the dental operation, the optometric diagnosis, care, or treatment, or the chiropractic diagnosis, care, or treatment.	256 257 258 259 260 261 262 263
(8) "Registered nurse" means any person who is licensed to	264

practice nursing as a registered nurse by the board of nursing. 265

(9) "Chiropractic claim" means any claim that is asserted in 266
any civil action against a chiropractor, or against any employee 267
or agent of a chiropractor, and that arises out of the 268
chiropractic diagnosis, care, or treatment of any person. 269
"Chiropractic claim" includes derivative claims for relief that 270
arise from the chiropractic diagnosis, care, or treatment of a 271
person. 272

(10) "Chiropractor" means any person who is licensed to 273
practice chiropractic by the state chiropractic board. 274

(11) "Optometric claim" means any claim that is asserted in 275
any civil action against an optometrist, or against any employee 276
or agent of an optometrist, and that arises out of the optometric 277
diagnosis, care, or treatment of any person. "Optometric claim" 278
includes derivative claims for relief that arise from the 279
optometric diagnosis, care, or treatment of a person. 280

(12) "Optometrist" means any person licensed to practice 281
optometry by the state board of optometry. 282

(13) "Physical therapist" means any person who is licensed to 283
practice physical therapy under Chapter 4755. of the Revised Code. 284

(14) "Home" has the same meaning as in section 3721.10 of the 285
Revised Code. 286

(15) "Residential facility" means a facility licensed under 287
section 5123.19 of the Revised Code. 288

(16) "Advanced practice registered nurse" means any certified 289
nurse practitioner, clinical nurse specialist, certified 290
registered nurse anesthetist, or certified nurse-midwife who holds 291
a certificate of authority issued by the board of nursing under 292
Chapter 4723. of the Revised Code. 293

(17) "Licensed practical nurse" means any person who is 294

licensed to practice nursing as a licensed practical nurse by the 295
board of nursing pursuant to Chapter 4723. of the Revised Code. 296

(18) "Physician assistant" means any person who ~~holds a valid~~ 297
~~certificate to practice issued pursuant to~~ is licensed as a 298
physician assistant under Chapter 4730. of the Revised Code. 299

(19) "Emergency medical technician-basic," "emergency medical 300
technician-intermediate," and "emergency medical 301
technician-paramedic" means any person who is certified under 302
Chapter 4765. of the Revised Code as an emergency medical 303
technician-basic, emergency medical technician-intermediate, or 304
emergency medical technician-paramedic, whichever is applicable. 305

Sec. 2925.61. (A) As used in this section: 306

(1) "Administer naloxone" means to give naloxone to a person 307
by either of the following routes: 308

(a) Using a device manufactured for the intranasal 309
administration of liquid drugs; 310

(b) Using an autoinjector in a manufactured dosage form. 311

(2) "Law enforcement agency" means a government entity that 312
employs peace officers to perform law enforcement duties. 313

(3) "Licensed health professional" means all of the 314
following: 315

(a) A physician who is authorized under Chapter 4731. of the 316
Revised Code to practice medicine and surgery, osteopathic 317
medicine and surgery, or podiatric medicine and surgery; 318

(b) A physician assistant who is licensed under Chapter 4730. 319
of the Revised Code, holds a ~~certificate to prescribe valid~~ 320
prescriber number issued ~~under Chapter 4730. of the Revised Code~~ 321
by the state medical board, and has been granted 322
physician-delegated prescriptive authority; 323

(c) A clinical nurse specialist, certified nurse-midwife, or 324
certified nurse practitioner who holds a certificate to prescribe 325
issued under section 4723.48 of the Revised Code. 326

(4) "Peace officer" has the same meaning as in section 327
2921.51 of the Revised Code. 328

(B) A family member, friend, or other individual who is in a 329
position to assist an individual who is apparently experiencing or 330
at risk of experiencing an opioid-related overdose, is not subject 331
to criminal prosecution for a violation of section 4731.41 of the 332
Revised Code or criminal prosecution under this chapter if the 333
individual, acting in good faith, does all of the following: 334

(1) Obtains naloxone from a licensed health professional or a 335
prescription for naloxone from a licensed health professional; 336

(2) Administers that naloxone to an individual who is 337
apparently experiencing an opioid-related overdose; 338

(3) Attempts to summon emergency services either immediately 339
before or immediately after administering the naloxone. 340

(C) Division (B) of this section does not apply to a peace 341
officer or to an emergency medical technician-basic, emergency 342
medical technician-intermediate, or emergency medical 343
technician-paramedic, as defined in section 4765.01 of the Revised 344
Code. 345

(D) A peace officer employed by a law enforcement agency is 346
not subject to administrative action, criminal prosecution for a 347
violation of section 4731.41 of the Revised Code, or criminal 348
prosecution under this chapter if the peace officer, acting in 349
good faith, obtains naloxone from the peace officer's law 350
enforcement agency and administers the naloxone to an individual 351
who is apparently experiencing an opioid-related overdose. 352

Sec. 3701.92. As used in sections 3701.921 to 3701.929 of the 353

Revised Code:	354
(A) "Advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code.	355 356
(B) "Patient centered medical home education advisory group" means the entity established under section 3701.924 of the Revised Code.	357 358 359
(C) "Patient centered medical home education program" means the program established under section 3701.921 of the Revised Code and any pilot projects operated pursuant to that section.	360 361 362
(D) "Patient centered medical home education pilot project" means the pilot project established under section 3701.923 of the Revised Code.	363 364 365
(E) "Physician assistant" has the same meaning as in section 4730.01 <u>means any person who is licensed as a physician assistant under Chapter 4730.</u> of the Revised Code.	366 367 368
Sec. 3727.06. (A) As used in this section:	369
(1) "Doctor" means an individual authorized to practice medicine and surgery or osteopathic medicine and surgery.	370 371
(2) "Podiatrist" means an individual authorized to practice podiatric medicine and surgery.	372 373
(B)(1) Only the following may admit a patient to a hospital:	374
(a) A doctor who is a member of the hospital's medical staff;	375
(b) A dentist who is a member of the hospital's medical staff;	376 377
(c) A podiatrist who is a member of the hospital's medical staff;	378 379
(d) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner if all of the following conditions	380 381

are met: 382

(i) The clinical nurse specialist, certified nurse-midwife, 383
or certified nurse practitioner has a standard care arrangement 384
entered into pursuant to section 4723.431 of the Revised Code with 385
a collaborating doctor or podiatrist who is a member of the 386
medical staff; 387

(ii) The patient will be under the medical supervision of the 388
collaborating doctor or podiatrist; 389

(iii) The hospital has granted the clinical nurse specialist, 390
certified nurse-midwife, or certified nurse practitioner admitting 391
privileges and appropriate credentials. 392

(e) A physician assistant if all of the following conditions 393
are met: 394

(i) The physician assistant is listed on a supervision 395
agreement ~~approved~~ entered into under section 4730.19 of the 396
Revised Code for a doctor or podiatrist who is a member of the 397
hospital's medical staff. 398

(ii) The patient will be under the medical supervision of the 399
supervising doctor or podiatrist. 400

(iii) The hospital has granted the physician assistant 401
admitting privileges and appropriate credentials. 402

(2) Prior to admitting a patient, a clinical nurse 403
specialist, certified nurse-midwife, certified nurse practitioner, 404
or physician assistant shall notify the collaborating or 405
supervising doctor or podiatrist of the planned admission. 406

(C) All hospital patients shall be under the medical 407
supervision of a doctor, except that services that may be rendered 408
by a licensed dentist pursuant to Chapter 4715. of the Revised 409
Code provided to patients admitted solely for the purpose of 410
receiving such services shall be under the supervision of the 411

admitting dentist and that services that may be rendered by a 412
podiatrist pursuant to section 4731.51 of the Revised Code 413
provided to patients admitted solely for the purpose of receiving 414
such services shall be under the supervision of the admitting 415
podiatrist. If treatment not within the scope of Chapter 4715. or 416
section 4731.51 of the Revised Code is required at the time of 417
admission by a dentist or podiatrist, or becomes necessary during 418
the course of hospital treatment by a dentist or podiatrist, such 419
treatment shall be under the supervision of a doctor who is a 420
member of the medical staff. It shall be the responsibility of the 421
admitting dentist or podiatrist to make arrangements with a doctor 422
who is a member of the medical staff to be responsible for the 423
patient's treatment outside the scope of Chapter 4715. or section 424
4731.51 of the Revised Code when necessary during the patient's 425
stay in the hospital. 426

Sec. 3729.05. (A)(1) ~~On~~ Except as otherwise provided in this 427
section, on or after the first day of April, but before the first 428
day of May of each year, every person who intends to operate a 429
recreational vehicle park, recreation camp, or combined park-camp 430
shall procure a license to operate the park or camp from the 431
licensor. If the applicable license fee prescribed under section 432
3729.07 of the Revised Code is not received by the licensor by the 433
close of business on the last day of April, the applicant for the 434
license shall pay a penalty equal to twenty-five per cent of the 435
applicable license fee. The penalty shall accompany the license 436
fee. If the last day of April is not a business day, the penalty 437
attaches upon the close of business on the next business day. 438

(2) Every person who intends to operate a temporary park-camp 439
shall obtain a license to operate the temporary park-camp from the 440
licensor at any time before the person begins operation of the 441
temporary park-camp during the calendar year. 442

(3) No recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp shall be maintained or operated in this state without a license. However, no person who neither intends to receive nor receives anything of value arising from the use of, or the sale of goods or services in connection with the use of, a recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp is required to procure a license under this division. If any health hazard exists at such an unlicensed park, camp, or park-camp, the health hazard shall be corrected in a manner consistent with the appropriate rule adopted under division (A) or (B) of section 3729.02 of the Revised Code.

(4) No person who has received a license under division (A)(1) of this section, upon the sale or disposition of the recreational vehicle park, recreation camp, or combined park-camp, may have the license transferred to the new operator. A person shall obtain a separate license to operate each recreational vehicle park, recreation camp, or combined park-camp. No license to operate a temporary park-camp shall be transferred. A person shall obtain a separate license for each temporary park-camp that the person intends to operate, and the license shall be valid for a period of not longer than seven consecutive days. A person who operates a temporary park-camp on a tract of land for more than twenty-one days or parts thereof in a calendar year shall obtain a license to operate a recreational vehicle park, recreation camp, or combined park-camp.

(B)(1) Before a license is initially issued under division (A)(1) of this section and annually thereafter, or more often if necessary, the licensor shall cause each recreational vehicle park, recreation camp, or combined park-camp to be inspected to determine compliance with this chapter and rules adopted under it. A record shall be made of each inspection on a form prescribed by the director of health.

(2) When a license is initially issued under division (A)(2) 475
of this section, and more often if necessary, the licensor shall 476
cause each temporary park-camp to be inspected to determine 477
compliance with this chapter and rules adopted under it during the 478
period that the temporary park-camp is in operation. A record 479
shall be made of each inspection on a form prescribed by the 480
director. 481

(C) Each person applying for an initial license to operate a 482
recreational vehicle park, recreation camp, combined park-camp, or 483
temporary park-camp shall provide acceptable proof to the 484
director, or to the licensor in the case of a temporary park-camp, 485
that adequate fire protection will be provided and that applicable 486
fire codes will be adhered to in the construction and operation of 487
the park, camp, or park-camp. 488

(D) Any person that operates a county or state fair or any 489
independent agricultural society organized pursuant to section 490
1711.02 of the Revised Code that operates a fair shall not be 491
required to obtain a license under this chapter if recreational 492
vehicles, portable camping units, or any combination of them are 493
parked at the site of the fair only during the time of preparation 494
for, operation of, and dismantling of the fair and if the 495
recreational vehicles, portable camping units, or any combination 496
of them belong to participants in the fair. 497

(E) The following entities that operate a fair and that hold 498
a license issued under this chapter are not required to comply 499
with the requirements normally imposed on a licensee under this 500
chapter and rules adopted under it during the time of preparation 501
for, operation of, and dismantling of the fair: 502

(1) A county agricultural society organized pursuant to 503
section 1711.01 of the Revised Code; 504

(2) An independent agricultural society organized pursuant to 505

section 1711.02 of the Revised Code;	506
(3) The Ohio expositions commission.	507
<u>(F) A motorsports park is exempt from the license</u>	508
<u>requirements established in divisions (A)(1) and (2) of this</u>	509
<u>section if the motorsports park does both of the following:</u>	510
<u>(1) Holds at least one annual event sanctioned by the</u>	511
<u>national association for stock car auto racing or the national hot</u>	512
<u>rod association during a motor sports racing event;</u>	513
<u>(2) Provides parking for recreational vehicles, dependent</u>	514
<u>recreational vehicles, and portable camping units that belong to</u>	515
<u>participants in that event.</u>	516
<u>The exemption established in this division applies to</u>	517
<u>participant-only areas during the time of preparation for and</u>	518
<u>operation of the event.</u>	519
<u>(G) A person subject to this chapter or rules adopted under</u>	520
<u>it may apply to the director for a waiver of or variance from a</u>	521
<u>provision of this chapter or rules adopted under it. The director</u>	522
<u>may grant a waiver or variance if the person demonstrates, to the</u>	523
<u>satisfaction of the director, that the waiver or variance will not</u>	524
<u>result in any adverse effect on the public health and safety. The</u>	525
<u>director shall adopt rules in accordance with Chapter 119. of the</u>	526
<u>Revised Code establishing requirements and procedures governing</u>	527
<u>the application for and granting of a waiver or variance under</u>	528
<u>this division.</u>	529
Sec. 4123.01. As used in this chapter:	530
(A)(1) "Employee" means:	531
(a) Every person in the service of the state, or of any	532
county, municipal corporation, township, or school district	533
therein, including regular members of lawfully constituted police	534
and fire departments of municipal corporations and townships,	535

whether paid or volunteer, and wherever serving within the state 536
or on temporary assignment outside thereof, and executive officers 537
of boards of education, under any appointment or contract of hire, 538
express or implied, oral or written, including any elected 539
official of the state, or of any county, municipal corporation, or 540
township, or members of boards of education. 541

As used in division (A)(1)(a) of this section, the term 542
"employee" includes the following persons when responding to an 543
inherently dangerous situation that calls for an immediate 544
response on the part of the person, regardless of whether the 545
person is within the limits of the jurisdiction of the person's 546
regular employment or voluntary service when responding, on the 547
condition that the person responds to the situation as the person 548
otherwise would if the person were on duty in the person's 549
jurisdiction: 550

~~(i) Off-duty peace officers. As used in division (A)(1)(a)(i) 551
of this section, "peace officer" has the same meaning as in 552
section 2935.01 of the Revised Code.;~~ 553

~~(ii) Off-duty firefighters, whether paid or volunteer, of a 554
lawfully constituted fire department.;~~ 555

~~(iii) Off-duty first responders, emergency medical 556
technicians basic, emergency medical technicians intermediate, or 557
emergency medical technicians paramedic, whether paid or 558
volunteer, emergency medical workers of an ambulance service 559
organization or emergency medical service organization pursuant to 560
Chapter 4765. of the Revised Code. 561~~

(b) Every person in the service of any person, firm, or 562
private corporation, including any public service corporation, 563
that (i) employs one or more persons regularly in the same 564
business or in or about the same establishment under any contract 565
of hire, express or implied, oral or written, including aliens and 566

minors, household workers who earn one hundred sixty dollars or 567
more in cash in any calendar quarter from a single household and 568
casual workers who earn one hundred sixty dollars or more in cash 569
in any calendar quarter from a single employer, or (ii) is bound 570
by any such contract of hire or by any other written contract, to 571
pay into the state insurance fund the premiums provided by this 572
chapter. 573

(c) Every person who performs labor or provides services 574
pursuant to a construction contract, as defined in section 4123.79 575
of the Revised Code, if at least ten of the following criteria 576
apply: 577

(i) The person is required to comply with instructions from 578
the other contracting party regarding the manner or method of 579
performing services; 580

(ii) The person is required by the other contracting party to 581
have particular training; 582

(iii) The person's services are integrated into the regular 583
functioning of the other contracting party; 584

(iv) The person is required to perform the work personally; 585

(v) The person is hired, supervised, or paid by the other 586
contracting party; 587

(vi) A continuing relationship exists between the person and 588
the other contracting party that contemplates continuing or 589
recurring work even if the work is not full time; 590

(vii) The person's hours of work are established by the other 591
contracting party; 592

(viii) The person is required to devote full time to the 593
business of the other contracting party; 594

(ix) The person is required to perform the work on the 595
premises of the other contracting party; 596

(x) The person is required to follow the order of work set by the other contracting party;	597 598
(xi) The person is required to make oral or written reports of progress to the other contracting party;	599 600
(xii) The person is paid for services on a regular basis such as hourly, weekly, or monthly;	601 602
(xiii) The person's expenses are paid for by the other contracting party;	603 604
(xiv) The person's tools and materials are furnished by the other contracting party;	605 606
(xv) The person is provided with the facilities used to perform services;	607 608
(xvi) The person does not realize a profit or suffer a loss as a result of the services provided;	609 610
(xvii) The person is not performing services for a number of employers at the same time;	611 612
(xviii) The person does not make the same services available to the general public;	613 614
(xix) The other contracting party has a right to discharge the person;	615 616
(xx) The person has the right to end the relationship with the other contracting party without incurring liability pursuant to an employment contract or agreement.	617 618 619
Every person in the service of any independent contractor or subcontractor who has failed to pay into the state insurance fund the amount of premium determined and fixed by the administrator of workers' compensation for the person's employment or occupation or if a self-insuring employer has failed to pay compensation and benefits directly to the employer's injured and to the dependents of the employer's killed employees as required by section 4123.35	620 621 622 623 624 625 626

of the Revised Code, shall be considered as the employee of the 627
person who has entered into a contract, whether written or verbal, 628
with such independent contractor unless such employees or their 629
legal representatives or beneficiaries elect, after injury or 630
death, to regard such independent contractor as the employer. 631

(2) "Employee" does not mean: 632

(a) A duly ordained, commissioned, or licensed minister or 633
assistant or associate minister of a church in the exercise of 634
ministry; 635

(b) Any officer of a family farm corporation; 636

(c) An individual incorporated as a corporation; or 637

(d) An individual who otherwise is an employee of an employer 638
but who signs the waiver and affidavit specified in section 639
4123.15 of the Revised Code on the condition that the 640
administrator has granted a waiver and exception to the 641
individual's employer under section 4123.15 of the Revised Code. 642

Any employer may elect to include as an "employee" within 643
this chapter, any person excluded from the definition of 644
"employee" pursuant to division (A)(2) of this section. If an 645
employer is a partnership, sole proprietorship, individual 646
incorporated as a corporation, or family farm corporation, such 647
employer may elect to include as an "employee" within this 648
chapter, any member of such partnership, the owner of the sole 649
proprietorship, the individual incorporated as a corporation, or 650
the officers of the family farm corporation. In the event of an 651
election, the employer shall serve upon the bureau of workers' 652
compensation written notice naming the persons to be covered, 653
include such employee's remuneration for premium purposes in all 654
future payroll reports, and no person excluded from the definition 655
of "employee" pursuant to division (A)(2) of this section, 656
proprietor, individual incorporated as a corporation, or partner 657

shall be deemed an employee within this division until the 658
employer has served such notice. 659

For informational purposes only, the bureau shall prescribe 660
such language as it considers appropriate, on such of its forms as 661
it considers appropriate, to advise employers of their right to 662
elect to include as an "employee" within this chapter a sole 663
proprietor, any member of a partnership, an individual 664
incorporated as a corporation, the officers of a family farm 665
corporation, or a person excluded from the definition of 666
"employee" under division (A)(2) of this section, that they should 667
check any health and disability insurance policy, or other form of 668
health and disability plan or contract, presently covering them, 669
or the purchase of which they may be considering, to determine 670
whether such policy, plan, or contract excludes benefits for 671
illness or injury that they might have elected to have covered by 672
workers' compensation. 673

(B) "Employer" means: 674

(1) The state, including state hospitals, each county, 675
municipal corporation, township, school district, and hospital 676
owned by a political subdivision or subdivisions other than the 677
state; 678

(2) Every person, firm, professional employer organization, 679
and private corporation, including any public service corporation, 680
that (a) has in service one or more employees or shared employees 681
regularly in the same business or in or about the same 682
establishment under any contract of hire, express or implied, oral 683
or written, or (b) is bound by any such contract of hire or by any 684
other written contract, to pay into the insurance fund the 685
premiums provided by this chapter. 686

All such employers are subject to this chapter. Any member of 687
a firm or association, who regularly performs manual labor in or 688

about a mine, factory, or other establishment, including a 689
household establishment, shall be considered an employee in 690
determining whether such person, firm, or private corporation, or 691
public service corporation, has in its service, one or more 692
employees and the employer shall report the income derived from 693
such labor to the bureau as part of the payroll of such employer, 694
and such member shall thereupon be entitled to all the benefits of 695
an employee. 696

(C) "Injury" includes any injury, whether caused by external 697
accidental means or accidental in character and result, received 698
in the course of, and arising out of, the injured employee's 699
employment. "Injury" does not include: 700

(1) Psychiatric conditions except ~~where~~ as follows: 701

(a) Where the claimant's psychiatric conditions have arisen 702
from an injury or occupational disease sustained by that claimant 703
~~or where~~; 704

(b) Where the claimant's psychiatric conditions have arisen 705
from sexual conduct in which the claimant was forced by threat of 706
physical harm to engage or participate; 707

(c) Where the claimant is a peace officer, firefighter, or 708
emergency medical worker and is diagnosed with post-traumatic 709
stress disorder that has been received in the course of, and has 710
arisen out of, the claimant's employment as a peace officer, 711
firefighter, or emergency medical worker. 712

(2) Injury or disability caused primarily by the natural 713
deterioration of tissue, an organ, or part of the body; 714

(3) Injury or disability incurred in voluntary participation 715
in an employer-sponsored recreation or fitness activity if the 716
employee signs a waiver of the employee's right to compensation or 717
benefits under this chapter prior to engaging in the recreation or 718
fitness activity; 719

(4) A condition that pre-existed an injury unless that 720
pre-existing condition is substantially aggravated by the injury. 721
Such a substantial aggravation must be documented by objective 722
diagnostic findings, objective clinical findings, or objective 723
test results. Subjective complaints may be evidence of such a 724
substantial aggravation. However, subjective complaints without 725
objective diagnostic findings, objective clinical findings, or 726
objective test results are insufficient to substantiate a 727
substantial aggravation. 728

(D) "Child" includes a posthumous child and a child legally 729
adopted prior to the injury. 730

(E) "Family farm corporation" means a corporation founded for 731
the purpose of farming agricultural land in which the majority of 732
the voting stock is held by and the majority of the stockholders 733
are persons or the spouse of persons related to each other within 734
the fourth degree of kinship, according to the rules of the civil 735
law, and at least one of the related persons is residing on or 736
actively operating the farm, and none of whose stockholders are a 737
corporation. A family farm corporation does not cease to qualify 738
under this division where, by reason of any devise, bequest, or 739
the operation of the laws of descent or distribution, the 740
ownership of shares of voting stock is transferred to another 741
person, as long as that person is within the degree of kinship 742
stipulated in this division. 743

(F) "Occupational disease" means a disease contracted in the 744
course of employment, which by its causes and the characteristics 745
of its manifestation or the condition of the employment results in 746
a hazard which distinguishes the employment in character from 747
employment generally, and the employment creates a risk of 748
contracting the disease in greater degree and in a different 749
manner from the public in general. 750

(G) "Self-insuring employer" means an employer who is granted 751

the privilege of paying compensation and benefits directly under 752
section 4123.35 of the Revised Code, including a board of county 753
commissioners for the sole purpose of constructing a sports 754
facility as defined in section 307.696 of the Revised Code, 755
provided that the electors of the county in which the sports 756
facility is to be built have approved construction of a sports 757
facility by ballot election no later than November 6, 1997. 758

(H) "Private employer" means an employer as defined in 759
division (B)(2) of this section. 760

(I) "Professional employer organization" has the same meaning 761
as in section 4125.01 of the Revised Code. 762

(J) "Public employer" means an employer as defined in 763
division (B)(1) of this section. 764

(K) "Sexual conduct" means vaginal intercourse between a male 765
and female; anal intercourse, fellatio, and cunnilingus between 766
persons regardless of gender; and, without privilege to do so, the 767
insertion, however slight, of any part of the body or any 768
instrument, apparatus, or other object into the vaginal or anal 769
cavity of another. Penetration, however slight, is sufficient to 770
complete vaginal or anal intercourse. 771

(L) "Other-states' insurer" means an insurance company that 772
is authorized to provide workers' compensation insurance coverage 773
in any of the states that permit employers to obtain insurance for 774
workers' compensation claims through insurance companies. 775

(M) "Other-states' coverage" means both of the following: 776

(1) Insurance coverage secured by an eligible employer for 777
workers' compensation claims of employees who are in employment 778
relationships localized in a state other than this state or those 779
employees' dependents; 780

(2) Insurance coverage secured by an eligible employer for 781

workers' compensation claims that arise in a state other than this 782
state where an employer elects to obtain coverage through either 783
the administrator or an other-states' insurer. 784

(N) "Limited other-states coverage" means insurance coverage 785
provided by the administrator to an eligible employer for workers' 786
compensation claims of employees who are in an employment 787
relationship localized in this state but are temporarily working 788
in a state other than this state, or those employees' dependents. 789

(O) "Peace officer" has the same meaning as in section 790
2935.01 of the Revised Code. 791

(P) "Firefighter" means a firefighter, whether paid or 792
volunteer, of a lawfully constituted fire department. 793

(O) "Emergency medical worker" means a first responder, 794
emergency medical technician-basic, emergency medical 795
technician-intermediate, or emergency medical 796
technician-paramedic, certified under Chapter 4765. of the Revised 797
Code, whether paid or volunteer. 798

Sec. 4123.026. ~~(A)~~ The administrator of workers' 799
compensation, or a self-insuring public employer for the peace 800
officers, firefighters, and emergency medical workers employed by 801
or volunteering for that self-insuring public employer, shall pay 802
the costs of conducting post-exposure medical diagnostic services, 803
consistent with the standards of medical care existing at the time 804
of the exposure, to investigate whether an injury or occupational 805
disease was sustained by a peace officer, firefighter, or 806
emergency medical worker when coming into contact with the blood 807
or other body fluid of another person in the course of and arising 808
out of the peace officer's, firefighter's, or emergency medical 809
worker's employment, or when responding to an inherently dangerous 810
situation in the manner described in, and in accordance with the 811
conditions specified under, division (A)(1)(a) of section 4123.01 812

of the Revised Code, through any of the following means: 813

~~(1)(A)~~ Splash or spatter in the eye or mouth, including when 814
received in the course of conducting mouth-to-mouth resuscitation; 815

~~(2)(B)~~ A puncture in the skin; 816

~~(3)(C)~~ A cut in the skin or another opening in the skin such 817
as an open sore, wound, lesion, abrasion, or ulcer. 818

~~(B) As used in this section:~~ 819

~~(1) "Peace officer" has the same meaning as in section 820
2935.01 of the Revised Code. 821~~

~~(2) "Firefighter" means a firefighter, whether paid or 822
volunteer, of a lawfully constituted fire department. 823~~

~~(3) "Emergency medical worker" means a first responder, 824
emergency medical technician basic, emergency medical 825
technician intermediate, or emergency medical 826
technician paramedic, certified under Chapter 4765. of the Revised 827
Code, whether paid or volunteer. 828~~

Sec. 4123.46. (A)(1) Except as provided in division (A)(2) of 829
this section, the bureau of workers' compensation shall disburse 830
the state insurance fund to employees of employers who have paid 831
into the fund the premiums applicable to the classes to which they 832
belong when the employees have been injured in the course of their 833
employment, wherever the injuries have occurred, and provided the 834
injuries have not been purposely self-inflicted, or to the 835
dependents of the employees in case death has ensued. 836

(2) As long as injuries have not been purposely 837
self-inflicted, the bureau shall disburse the surplus fund created 838
under section 4123.34 of the Revised Code to off-duty peace 839
officers, firefighters, and emergency medical technicians, ~~and~~ 840
~~first responders~~ workers, or to their dependents if death ensues, 841
who are injured while responding to inherently dangerous 842

situations that call for an immediate response on the part of the 843
person, regardless of whether the person was within the limits of 844
the person's jurisdiction when responding, on the condition that 845
the person responds to the situation as the person otherwise would 846
if the person were on duty in the person's jurisdiction. 847

As used in division (A)(2) of this section, "peace officer," 848
"firefighter," and "emergency medical ~~technician,~~ "~~first~~ 849
~~responder worker,~~" and "~~jurisdiction~~" have the same meanings as in 850
section 4123.01 of the Revised Code. 851

(B) All self-insuring employers, in compliance with this 852
chapter, shall pay the compensation to injured employees, or to 853
the dependents of employees who have been killed in the course of 854
their employment, unless the injury or death of the employee was 855
purposely self-inflicted, and shall furnish the medical, surgical, 856
nurse, and hospital care and attention or funeral expenses as 857
would have been paid and furnished by virtue of this chapter under 858
a similar state of facts by the bureau out of the state insurance 859
fund if the employer had paid the premium into the fund. 860

If any rule or regulation of a self-insuring employer 861
provides for or authorizes the payment of greater compensation or 862
more complete or extended medical care, nursing, surgical, and 863
hospital attention, or funeral expenses to the injured employees, 864
or to the dependents of the employees as may be killed, the 865
employer shall pay to the employees, or to the dependents of 866
employees killed, the amount of compensation and furnish the 867
medical care, nursing, surgical, and hospital attention or funeral 868
expenses provided by the self-insuring employer's rules and 869
regulations. 870

(C) Payment to injured employees, or to their dependents in 871
case death has ensued, is in lieu of any and all rights of action 872
against the employer of the injured or killed employees. 873

Sec. 4503.44. (A) As used in this section and in section 874
4511.69 of the Revised Code: 875

(1) "Person with a disability that limits or impairs the 876
ability to walk" means any person who, as determined by a health 877
care provider, meets any of the following criteria: 878

(a) Cannot walk two hundred feet without stopping to rest; 879

(b) Cannot walk without the use of, or assistance from, a 880
brace, cane, crutch, another person, prosthetic device, 881
wheelchair, or other assistive device; 882

(c) Is restricted by a lung disease to such an extent that 883
the person's forced (respiratory) expiratory volume for one 884
second, when measured by spirometry, is less than one liter, or 885
the arterial oxygen tension is less than sixty millimeters of 886
mercury on room air at rest; 887

(d) Uses portable oxygen; 888

(e) Has a cardiac condition to the extent that the person's 889
functional limitations are classified in severity as class III or 890
class IV according to standards set by the American heart 891
association; 892

(f) Is severely limited in the ability to walk due to an 893
arthritic, neurological, or orthopedic condition; 894

(g) Is blind, legally blind, or severely visually impaired. 895

(2) "Organization" means any private organization or 896
corporation, or any governmental board, agency, department, 897
division, or office, that, as part of its business or program, 898
transports persons with disabilities that limit or impair the 899
ability to walk on a regular basis in a motor vehicle that has not 900
been altered for the purpose of providing it with special 901
equipment for use by persons with disabilities. This definition 902
does not apply to division (I) of this section. 903

(3) "Health care provider" means a physician, physician 904
assistant, advanced practice registered nurse, optometrist, or 905
chiropractor as defined in this section except that an optometrist 906
shall only make determinations as to division (A)(1)(g) of this 907
section. 908

(4) "Physician" means a person licensed to practice medicine 909
or surgery or osteopathic medicine and surgery under Chapter 4731. 910
of the Revised Code. 911

(5) "Chiropractor" means a person licensed to practice 912
chiropractic under Chapter 4734. of the Revised Code. 913

(6) "Advanced practice registered nurse" means a certified 914
nurse practitioner, clinical nurse specialist, certified 915
registered nurse anesthetist, or certified nurse-midwife who holds 916
a certificate of authority issued by the board of nursing under 917
Chapter 4723. of the Revised Code. 918

(7) "Physician assistant" means a person who ~~holds a~~ 919
~~certificate to practice as a physician assistant issued is~~ 920
licensed as a physician assistant under Chapter 4730. of the 921
Revised Code. 922

(8) "Optometrist" means a person licensed to engage in the 923
practice of optometry under Chapter 4725. of the Revised Code. 924

(B)(1) An organization, or a person with a disability that 925
limits or impairs the ability to walk, may apply for the 926
registration of any motor vehicle the organization or person owns 927
or leases. When a motor vehicle has been altered for the purpose 928
of providing it with special equipment for a person with a 929
disability that limits or impairs the ability to walk, but is 930
owned or leased by someone other than such a person, the owner or 931
lessee may apply to the registrar or a deputy registrar for 932
registration under this section. The application for registration 933
of a motor vehicle owned or leased by a person with a disability 934

that limits or impairs the ability to walk shall be accompanied by 935
a signed statement from the applicant's health care provider 936
certifying that the applicant meets at least one of the criteria 937
contained in division (A)(1) of this section and that the 938
disability is expected to continue for more than six consecutive 939
months. The application for registration of a motor vehicle that 940
has been altered for the purpose of providing it with special 941
equipment for a person with a disability that limits or impairs 942
the ability to walk but is owned by someone other than such a 943
person shall be accompanied by such documentary evidence of 944
vehicle alterations as the registrar may require by rule. 945

(2) When an organization, a person with a disability that 946
limits or impairs the ability to walk, or a person who does not 947
have a disability that limits or impairs the ability to walk but 948
owns a motor vehicle that has been altered for the purpose of 949
providing it with special equipment for a person with a disability 950
that limits or impairs the ability to walk first submits an 951
application for registration of a motor vehicle under this section 952
and every fifth year thereafter, the organization or person shall 953
submit a signed statement from the applicant's health care 954
provider, a completed application, and any required documentary 955
evidence of vehicle alterations as provided in division (B)(1) of 956
this section, and also a power of attorney from the owner of the 957
motor vehicle if the applicant leases the vehicle. Upon submission 958
of these items, the registrar or deputy registrar shall issue to 959
the applicant appropriate vehicle registration and a set of 960
license plates and validation stickers, or validation stickers 961
alone when required by section 4503.191 of the Revised Code. In 962
addition to the letters and numbers ordinarily inscribed thereon, 963
the license plates shall be imprinted with the international 964
symbol of access. The license plates and validation stickers shall 965
be issued upon payment of the regular license fee as prescribed 966
under section 4503.04 of the Revised Code and any motor vehicle 967

tax levied under Chapter 4504. of the Revised Code, and the 968
payment of a service fee equal to the amount specified in division 969
(D) or (G) of section 4503.10 of the Revised Code. 970

(C)(1) A person with a disability that limits or impairs the 971
ability to walk may apply to the registrar of motor vehicles for a 972
removable windshield placard by completing and signing an 973
application provided by the registrar. The person shall include 974
with the application a prescription from the person's health care 975
provider prescribing such a placard for the person based upon a 976
determination that the person meets at least one of the criteria 977
contained in division (A)(1) of this section. The health care 978
provider shall state on the prescription the length of time the 979
health care provider expects the applicant to have the disability 980
that limits or impairs the person's ability to walk. 981

In addition to one placard or one or more sets of license 982
plates, a person with a disability that limits or impairs the 983
ability to walk is entitled to one additional placard, but only if 984
the person applies separately for the additional placard, states 985
the reasons why the additional placard is needed, and the 986
registrar, in the registrar's discretion determines that good and 987
justifiable cause exists to approve the request for the additional 988
placard. 989

(2) An organization may apply to the registrar of motor 990
vehicles for a removable windshield placard by completing and 991
signing an application provided by the registrar. The organization 992
shall comply with any procedures the registrar establishes by 993
rule. The organization shall include with the application 994
documentary evidence that the registrar requires by rule showing 995
that the organization regularly transports persons with 996
disabilities that limit or impair the ability to walk. 997

(3) Upon receipt of a completed and signed application for a 998
removable windshield placard, the accompanying documents required 999

under division (C)(1) or (2) of this section, and payment of a 1000
service fee equal to the amount specified in division (D) or (G) 1001
of section 4503.10 of the Revised Code, the registrar or deputy 1002
registrar shall issue to the applicant a removable windshield 1003
placard, which shall bear the date of expiration on both sides of 1004
the placard and shall be valid until expired, revoked, or 1005
surrendered. Every removable windshield placard expires as 1006
described in division (C)(4) of this section, but in no case shall 1007
a removable windshield placard be valid for a period of less than 1008
sixty days. Removable windshield placards shall be renewable upon 1009
application as provided in division (C)(1) or (2) of this section 1010
and upon payment of a service fee equal to the amount specified in 1011
division (D) or (G) of section 4503.10 of the Revised Code for the 1012
renewal of a removable windshield placard. The registrar shall 1013
provide the application form and shall determine the information 1014
to be included thereon. The registrar also shall determine the 1015
form and size of the removable windshield placard, the material of 1016
which it is to be made, and any other information to be included 1017
thereon, and shall adopt rules relating to the issuance, 1018
expiration, revocation, surrender, and proper display of such 1019
placards. Any placard issued after October 14, 1999, shall be 1020
manufactured in a manner that allows the expiration date of the 1021
placard to be indicated on it through the punching, drilling, 1022
boring, or creation by any other means of holes in the placard. 1023

(4) At the time a removable windshield placard is issued to a 1024
person with a disability that limits or impairs the ability to 1025
walk, the registrar or deputy registrar shall enter into the 1026
records of the bureau of motor vehicles the last date on which the 1027
person will have that disability, as indicated on the accompanying 1028
prescription. Not less than thirty days prior to that date and all 1029
removable windshield placard renewal dates, the bureau shall send 1030
a renewal notice to that person at the person's last known address 1031
as shown in the records of the bureau, informing the person that 1032

the person's removable windshield placard will expire on the 1033
indicated date not to exceed five years from the date of issuance, 1034
and that the person is required to renew the placard by submitting 1035
to the registrar or a deputy registrar another prescription, as 1036
described in division (C)(1) or (2) of this section, and by 1037
complying with the renewal provisions prescribed in division 1038
(C)(3) of this section. If such a prescription is not received by 1039
the registrar or a deputy registrar by that date, the placard 1040
issued to that person expires and no longer is valid, and this 1041
fact shall be recorded in the records of the bureau. 1042

(5) At least once every year, on a date determined by the 1043
registrar, the bureau shall examine the records of the office of 1044
vital statistics, located within the department of health, that 1045
pertain to deceased persons, and also the bureau's records of all 1046
persons who have been issued removable windshield placards and 1047
temporary removable windshield placards. If the records of the 1048
office of vital statistics indicate that a person to whom a 1049
removable windshield placard or temporary removable windshield 1050
placard has been issued is deceased, the bureau shall cancel that 1051
placard, and note the cancellation in its records. 1052

The office of vital statistics shall make available to the 1053
bureau all information necessary to enable the bureau to comply 1054
with division (C)(5) of this section. 1055

(6) Nothing in this section shall be construed to require a 1056
person or organization to apply for a removable windshield placard 1057
or special license plates if the special license plates issued to 1058
the person or organization under prior law have not expired or 1059
been surrendered or revoked. 1060

(D)(1)(a) A person with a disability that limits or impairs 1061
the ability to walk may apply to the registrar or a deputy 1062
registrar for a temporary removable windshield placard. The 1063
application for a temporary removable windshield placard shall be 1064

accompanied by a prescription from the applicant's health care 1065
provider prescribing such a placard for the applicant, provided 1066
that the applicant meets at least one of the criteria contained in 1067
division (A)(1) of this section and that the disability is 1068
expected to continue for six consecutive months or less. The 1069
health care provider shall state on the prescription the length of 1070
time the health care provider expects the applicant to have the 1071
disability that limits or impairs the applicant's ability to walk, 1072
which cannot exceed six months from the date of the prescription. 1073
Upon receipt of an application for a temporary removable 1074
windshield placard, presentation of the prescription from the 1075
applicant's health care provider, and payment of a service fee 1076
equal to the amount specified in division (D) or (G) of section 1077
4503.10 of the Revised Code, the registrar or deputy registrar 1078
shall issue to the applicant a temporary removable windshield 1079
placard. 1080

(b) Any active-duty member of the armed forces of the United 1081
States, including the reserve components of the armed forces and 1082
the national guard, who has an illness or injury that limits or 1083
impairs the ability to walk may apply to the registrar or a deputy 1084
registrar for a temporary removable windshield placard. With the 1085
application, the person shall present evidence of the person's 1086
active-duty status and the illness or injury. Evidence of the 1087
illness or injury may include a current department of defense 1088
convalescent leave statement, any department of defense document 1089
indicating that the person currently has an ill or injured 1090
casualty status or has limited duties, or a prescription from any 1091
health care provider prescribing the placard for the applicant. 1092
Upon receipt of the application and the necessary evidence, the 1093
registrar or deputy registrar shall issue the applicant the 1094
temporary removable windshield placard without the payment of any 1095
service fee. 1096

(2) The temporary removable windshield placard shall be of 1097
the same size and form as the removable windshield placard, shall 1098
be printed in white on a red-colored background, and shall bear 1099
the word "temporary" in letters of such size as the registrar 1100
shall prescribe. A temporary removable windshield placard also 1101
shall bear the date of expiration on the front and back of the 1102
placard, and shall be valid until expired, surrendered, or 1103
revoked, but in no case shall such a placard be valid for a period 1104
of less than sixty days. The registrar shall provide the 1105
application form and shall determine the information to be 1106
included on it, provided that the registrar shall not require a 1107
health care provider's prescription or certification for a person 1108
applying under division (D)(1)(b) of this section. The registrar 1109
also shall determine the material of which the temporary removable 1110
windshield placard is to be made and any other information to be 1111
included on the placard and shall adopt rules relating to the 1112
issuance, expiration, surrender, revocation, and proper display of 1113
those placards. Any temporary removable windshield placard issued 1114
after October 14, 1999, shall be manufactured in a manner that 1115
allows for the expiration date of the placard to be indicated on 1116
it through the punching, drilling, boring, or creation by any 1117
other means of holes in the placard. 1118

(E) If an applicant for a removable windshield placard is a 1119
veteran of the armed forces of the United States whose disability, 1120
as defined in division (A)(1) of this section, is 1121
service-connected, the registrar or deputy registrar, upon receipt 1122
of the application, presentation of a signed statement from the 1123
applicant's health care provider certifying the applicant's 1124
disability, and presentation of such documentary evidence from the 1125
department of veterans affairs that the disability of the 1126
applicant meets at least one of the criteria identified in 1127
division (A)(1) of this section and is service-connected as the 1128
registrar may require by rule, but without the payment of any 1129

service fee, shall issue the applicant a removable windshield placard that is valid until expired, surrendered, or revoked. 1130
1131

(F) Upon a conviction of a violation of division (H) or (I) of this section, the court shall report the conviction, and send the placard, if available, to the registrar, who thereupon shall revoke the privilege of using the placard and send notice in writing to the placardholder at that holder's last known address as shown in the records of the bureau, and the placardholder shall return the placard if not previously surrendered to the court, to the registrar within ten days following mailing of the notice. 1132
1133
1134
1135
1136
1137
1138
1139

Whenever a person to whom a removable windshield placard has been issued moves to another state, the person shall surrender the placard to the registrar; and whenever an organization to which a placard has been issued changes its place of operation to another state, the organization shall surrender the placard to the registrar. 1140
1141
1142
1143
1144
1145

(G) Subject to division (F) of section 4511.69 of the Revised Code, the operator of a motor vehicle displaying a removable windshield placard, temporary removable windshield placard, or the special license plates authorized by this section is entitled to park the motor vehicle in any special parking location reserved for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces. 1146
1147
1148
1149
1150
1151
1152
1153

(H) No person or organization that is not eligible for the issuance of license plates or any placard under this section shall willfully and falsely represent that the person or organization is so eligible. 1154
1155
1156
1157

No person or organization shall display license plates issued under this section unless the license plates have been issued for the vehicle on which they are displayed and are valid. 1158
1159
1160

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

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

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

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

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

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

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

(K)(1) The registrar shall pay all fees received under this section for the issuance of removable windshield placards or temporary removable windshield placards or duplicate removable windshield placards or cards into the state treasury to the credit of the state bureau of motor vehicles fund created in section 4501.25 of the Revised Code.

(2) In addition to the fees collected under this section, the registrar or deputy registrar shall ask each person applying for a removable windshield placard or temporary removable windshield placard or duplicate removable windshield placard or license plate

issued under this section, whether the person wishes to make a 1191
two-dollar voluntary contribution to support rehabilitation 1192
employment services. The registrar shall transmit the 1193
contributions received under this division to the treasurer of 1194
state for deposit into the rehabilitation employment fund, which 1195
is hereby created in the state treasury. A deputy registrar shall 1196
transmit the contributions received under this division to the 1197
registrar in the time and manner prescribed by the registrar. The 1198
contributions in the fund shall be used by the opportunities for 1199
Ohioans with disabilities agency to purchase services related to 1200
vocational evaluation, work adjustment, personal adjustment, job 1201
placement, job coaching, and community-based assessment from 1202
accredited community rehabilitation program facilities. 1203

(L) For purposes of enforcing this section, every peace 1204
officer is deemed to be an agent of the registrar. Any peace 1205
officer or any authorized employee of the bureau of motor vehicles 1206
who, in the performance of duties authorized by law, becomes aware 1207
of a person whose placard or parking card has been revoked 1208
pursuant to this section, may confiscate that placard or parking 1209
card and return it to the registrar. The registrar shall prescribe 1210
any forms used by law enforcement agencies in administering this 1211
section. 1212

No peace officer, law enforcement agency employing a peace 1213
officer, or political subdivision or governmental agency employing 1214
a peace officer, and no employee of the bureau is liable in a 1215
civil action for damages or loss to persons arising out of the 1216
performance of any duty required or authorized by this section. As 1217
used in this division, "peace officer" has the same meaning as in 1218
division (B) of section 2935.01 of the Revised Code. 1219

(M) All applications for registration of motor vehicles, 1220
removable windshield placards, and temporary removable windshield 1221
placards issued under this section, all renewal notices for such 1222

items, and all other publications issued by the bureau that relate 1223
to this section shall set forth the criminal penalties that may be 1224
imposed upon a person who violates any provision relating to 1225
special license plates issued under this section, the parking of 1226
vehicles displaying such license plates, and the issuance, 1227
procurement, use, and display of removable windshield placards and 1228
temporary removable windshield placards issued under this section. 1229

(N) Whoever violates this section is guilty of a misdemeanor 1230
of the fourth degree. 1231

Sec. 4723.01. As used in this chapter: 1232

(A) "Registered nurse" means an individual who holds a 1233
current, valid license issued under this chapter that authorizes 1234
the practice of nursing as a registered nurse. 1235

(B) "Practice of nursing as a registered nurse" means 1236
providing to individuals and groups nursing care requiring 1237
specialized knowledge, judgment, and skill derived from the 1238
principles of biological, physical, behavioral, social, and 1239
nursing sciences. Such nursing care includes: 1240

(1) Identifying patterns of human responses to actual or 1241
potential health problems amenable to a nursing regimen; 1242

(2) Executing a nursing regimen through the selection, 1243
performance, management, and evaluation of nursing actions; 1244

(3) Assessing health status for the purpose of providing 1245
nursing care; 1246

(4) Providing health counseling and health teaching; 1247

(5) Administering medications, treatments, and executing 1248
regimens authorized by an individual who is authorized to practice 1249
in this state and is acting within the course of the individual's 1250
professional practice; 1251

(6) Teaching, administering, supervising, delegating, and evaluating nursing practice.	1252 1253
(C) "Nursing regimen" may include preventative, restorative, and health-promotion activities.	1254 1255
(D) "Assessing health status" means the collection of data through nursing assessment techniques, which may include interviews, observation, and physical evaluations for the purpose of providing nursing care.	1256 1257 1258 1259
(E) "Licensed practical nurse" means an individual who holds a current, valid license issued under this chapter that authorizes the practice of nursing as a licensed practical nurse.	1260 1261 1262
(F) "The practice of nursing as a licensed practical nurse" means providing to individuals and groups nursing care requiring the application of basic knowledge of the biological, physical, behavioral, social, and nursing sciences at the direction of <u>any of the following who is authorized to practice in this state: a licensed physician, physician assistant, dentist, podiatrist, optometrist, chiropractor, or registered nurse.</u> Such nursing care includes:	1263 1264 1265 1266 1267 1268 1269 1270
(1) Observation, patient teaching, and care in a diversity of health care settings;	1271 1272
(2) Contributions to the planning, implementation, and evaluation of nursing;	1273 1274
(3) Administration of medications and treatments authorized by an individual who is authorized to practice in this state and is acting within the course of the individual's professional practice on the condition that the licensed practical nurse is authorized under section 4723.17 of the Revised Code to administer medications;	1275 1276 1277 1278 1279 1280
(4) Administration to an adult of intravenous therapy	1281

authorized by an individual who is authorized to practice in this 1282
state and is acting within the course of the individual's 1283
professional practice, on the condition that the licensed 1284
practical nurse is authorized under section 4723.18 or 4723.181 of 1285
the Revised Code to perform intravenous therapy and performs 1286
intravenous therapy only in accordance with those sections; 1287

(5) Delegation of nursing tasks as directed by a registered 1288
nurse; 1289

(6) Teaching nursing tasks to licensed practical nurses and 1290
individuals to whom the licensed practical nurse is authorized to 1291
delegate nursing tasks as directed by a registered nurse. 1292

(G) "Certified registered nurse anesthetist" means a 1293
registered nurse who holds a valid certificate of authority issued 1294
under this chapter that authorizes the practice of nursing as a 1295
certified registered nurse anesthetist in accordance with section 1296
4723.43 of the Revised Code and rules adopted by the board of 1297
nursing. 1298

(H) "Clinical nurse specialist" means a registered nurse who 1299
holds a valid certificate of authority issued under this chapter 1300
that authorizes the practice of nursing as a clinical nurse 1301
specialist in accordance with section 4723.43 of the Revised Code 1302
and rules adopted by the board of nursing. 1303

(I) "Certified nurse-midwife" means a registered nurse who 1304
holds a valid certificate of authority issued under this chapter 1305
that authorizes the practice of nursing as a certified 1306
nurse-midwife in accordance with section 4723.43 of the Revised 1307
Code and rules adopted by the board of nursing. 1308

(J) "Certified nurse practitioner" means a registered nurse 1309
who holds a valid certificate of authority issued under this 1310
chapter that authorizes the practice of nursing as a certified 1311
nurse practitioner in accordance with section 4723.43 of the 1312

Revised Code and rules adopted by the board of nursing. 1313

(K) "Physician" means an individual authorized under Chapter 1314
4731. of the Revised Code to practice medicine and surgery or 1315
osteopathic medicine and surgery. 1316

(L) "Collaboration" or "collaborating" means the following: 1317

(1) In the case of a clinical nurse specialist, except as 1318
provided in division (L)(3) of this section, or a certified nurse 1319
practitioner, that one or more podiatrists acting within the scope 1320
of practice of podiatry in accordance with section 4731.51 of the 1321
Revised Code and with whom the nurse has entered into a standard 1322
care arrangement or one or more physicians with whom the nurse has 1323
entered into a standard care arrangement are continuously 1324
available to communicate with the clinical nurse specialist or 1325
certified nurse practitioner either in person or by radio, 1326
telephone, or other form of telecommunication; 1327

(2) In the case of a certified nurse-midwife, that one or 1328
more physicians with whom the certified nurse-midwife has entered 1329
into a standard care arrangement are continuously available to 1330
communicate with the certified nurse-midwife either in person or 1331
by radio, telephone, or other form of telecommunication; 1332

(3) In the case of a clinical nurse specialist who practices 1333
the nursing specialty of mental health or psychiatric mental 1334
health without being authorized to prescribe drugs and therapeutic 1335
devices, that one or more physicians are continuously available to 1336
communicate with the nurse either in person or by radio, 1337
telephone, or other form of telecommunication. 1338

(M) "Supervision," as it pertains to a certified registered 1339
nurse anesthetist, means that the certified registered nurse 1340
anesthetist is under the direction of a podiatrist acting within 1341
the podiatrist's scope of practice in accordance with section 1342
4731.51 of the Revised Code, a dentist acting within the dentist's 1343

scope of practice in accordance with Chapter 4715. of the Revised 1344
Code, or a physician, and, when administering anesthesia, the 1345
certified registered nurse anesthetist is in the immediate 1346
presence of the podiatrist, dentist, or physician. 1347

(N) "Standard care arrangement" means a written, formal guide 1348
for planning and evaluating a patient's health care that is 1349
developed by one or more collaborating physicians or podiatrists 1350
and a clinical nurse specialist, certified nurse-midwife, or 1351
certified nurse practitioner and meets the requirements of section 1352
4723.431 of the Revised Code. 1353

(O) "Advanced practice registered nurse" means a certified 1354
registered nurse anesthetist, clinical nurse specialist, certified 1355
nurse-midwife, or certified nurse practitioner. 1356

(P) "Dialysis care" means the care and procedures that a 1357
dialysis technician or dialysis technician intern is authorized to 1358
provide and perform, as specified in section 4723.72 of the 1359
Revised Code. 1360

(Q) "Dialysis technician" means an individual who holds a 1361
current, valid certificate to practice as a dialysis technician 1362
issued under section 4723.75 of the Revised Code. 1363

(R) "Dialysis technician intern" means an individual who 1364
holds a current, valid certificate to practice as a dialysis 1365
technician intern issued under section 4723.75 of the Revised 1366
Code. 1367

(S) "Certified community health worker" means an individual 1368
who holds a current, valid certificate as a community health 1369
worker issued under section 4723.85 of the Revised Code. 1370

(T) "Medication aide" means an individual who holds a 1371
current, valid certificate issued under this chapter that 1372
authorizes the individual to administer medication in accordance 1373
with section 4723.67 of the Revised Code. 1374

Sec. 4723.06. (A) The board of nursing shall:	1375
(1) Administer and enforce the provisions of this chapter,	1376
including the taking of disciplinary action for violations of	1377
section 4723.28 of the Revised Code, any other provisions of this	1378
chapter, or rules adopted under this chapter;	1379
(2) Develop criteria that an applicant must meet to be	1380
eligible to sit for the examination for licensure to practice as a	1381
registered nurse or as a licensed practical nurse;	1382
(3) Issue and renew nursing licenses, dialysis technician	1383
certificates, and community health worker certificates, as	1384
provided in this chapter;	1385
(4) Define the minimum standards for educational programs of	1386
the schools of registered nursing and schools of practical nursing	1387
in this state;	1388
(5) Survey, inspect, and grant full approval to prelicensure	1389
nursing education programs in this state that meet the standards	1390
established by rules adopted under section 4723.07 of the Revised	1391
Code. Prelicensure nursing education programs include, but are not	1392
limited to, diploma, associate degree, baccalaureate degree,	1393
master's degree, and doctor of nursing programs leading to initial	1394
licensure to practice nursing as a registered nurse and practical	1395
nurse programs leading to initial licensure to practice nursing as	1396
a licensed practical nurse.	1397
(6) Grant conditional approval, by a vote of a quorum of the	1398
board, to a new prelicensure nursing education program or a	1399
program that is being reestablished after having ceased to	1400
operate, if the program meets and maintains the minimum standards	1401
of the board established by rules adopted under section 4723.07 of	1402
the Revised Code. If the board does not grant conditional	1403
approval, it shall hold an adjudication under Chapter 119. of the	1404

Revised Code to consider conditional approval of the program. If 1405
the board grants conditional approval, at the first meeting 1406
following completion of the survey process required by division 1407
(A)(5) of this section, the board shall determine whether to grant 1408
full approval to the program. If the board does not grant full 1409
approval or if it appears that the program has failed to meet and 1410
maintain standards established by rules adopted under section 1411
4723.07 of the Revised Code, the board shall hold an adjudication 1412
under Chapter 119. of the Revised Code to consider the program. 1413
Based on results of the adjudication, the board may continue or 1414
withdraw conditional approval, or grant full approval. 1415

(7) Place on provisional approval, for a period of time 1416
specified by the board, a program that has ceased to meet and 1417
maintain the minimum standards of the board established by rules 1418
adopted under section 4723.07 of the Revised Code. Prior to or at 1419
the end of the period, the board shall reconsider whether the 1420
program meets the standards and shall grant full approval if it 1421
does. If it does not, the board may withdraw approval, pursuant to 1422
an adjudication under Chapter 119. of the Revised Code. 1423

(8) Approve continuing education programs and courses under 1424
standards established in rules adopted under sections 4723.07, 1425
4723.69, 4723.79, and 4723.88 of the Revised Code; 1426

(9) Establish a program for monitoring chemical dependency in 1427
accordance with section 4723.35 of the Revised Code; 1428

(10) Establish the practice intervention and improvement 1429
program in accordance with section 4723.282 of the Revised Code; 1430

(11) Issue and renew certificates of authority to practice 1431
nursing as a certified registered nurse anesthetist, clinical 1432
nurse specialist, certified nurse-midwife, or certified nurse 1433
practitioner; 1434

(12) Approve under section 4723.46 of the Revised Code 1435

national certifying organizations for examination and 1436
certification of certified registered nurse anesthetists, clinical 1437
nurse specialists, certified nurse-midwives, or certified nurse 1438
practitioners; 1439

(13) Issue and renew certificates to prescribe in accordance 1440
with sections 4723.48 and 4723.486 of the Revised Code; 1441

(14) Grant approval to the ~~planned classroom and clinical~~ 1442
course of study in advanced pharmacology and related topics 1443
required by section 4723.482 of the Revised Code to be eligible 1444
for a certificate to prescribe; 1445

(15) Make an annual edition of the formulary established in 1446
rules adopted under section 4723.50 of the Revised Code available 1447
to the public either in printed form or by electronic means and, 1448
as soon as possible after any revision of the formulary becomes 1449
effective, make the revision available to the public in printed 1450
form or by electronic means; 1451

(16) Provide guidance and make recommendations to the general 1452
assembly, the governor, state agencies, and the federal government 1453
with respect to the regulation of the practice of nursing and the 1454
enforcement of this chapter; 1455

(17) Make an annual report to the governor, which shall be 1456
open for public inspection; 1457

(18) Maintain and have open for public inspection the 1458
following records: 1459

(a) A record of all its meetings and proceedings; 1460

(b) A record of all applicants for, and holders of, licenses 1461
and certificates issued by the board under this chapter or in 1462
accordance with rules adopted under this chapter. The record shall 1463
be maintained in a format determined by the board. 1464

(c) A list of education and training programs approved by the 1465

board. 1466

(19) Deny approval to a person who submits or causes to be 1467
submitted false, misleading, or deceptive statements, information, 1468
or documentation to the board in the process of applying for 1469
approval of a new education or training program. If the board 1470
proposes to deny approval of a new education or training program, 1471
it shall do so pursuant to an adjudication conducted under Chapter 1472
119. of the Revised Code. 1473

(B) The board may fulfill the requirement of division (A)(8) 1474
of this section by authorizing persons who meet the standards 1475
established in rules adopted under section 4723.07 of the Revised 1476
Code to approve continuing education programs and courses. Persons 1477
so authorized shall approve continuing education programs and 1478
courses in accordance with standards established in rules adopted 1479
under section 4723.07 of the Revised Code. 1480

Persons seeking authorization to approve continuing education 1481
programs and courses shall apply to the board and pay the 1482
appropriate fee established under section 4723.08 of the Revised 1483
Code. Authorizations to approve continuing education programs and 1484
courses shall expire, and may be renewed according to the schedule 1485
established in rules adopted under section 4723.07 of the Revised 1486
Code. 1487

In addition to approving continuing education programs under 1488
division (A)(8) of this section, the board may sponsor continuing 1489
education activities that are directly related to the statutes and 1490
rules the board enforces. 1491

Sec. 4723.07. In accordance with Chapter 119. of the Revised 1492
Code, the board of nursing shall adopt and may amend and rescind 1493
rules that establish all of the following: 1494

(A) Provisions for the board's government and control of its 1495

actions and business affairs;	1496
(B) Minimum standards for nursing education programs that prepare graduates to be licensed under this chapter and procedures for granting, renewing, and withdrawing approval of those programs;	1497 1498 1499 1500
(C) Criteria that applicants for licensure must meet to be eligible to take examinations for licensure;	1501 1502
(D) Standards and procedures for renewal of the licenses and certificates issued by the board;	1503 1504
(E) Standards for approval of continuing nursing education programs and courses for registered nurses, licensed practical nurses, certified registered nurse anesthetists, clinical nurse specialists, certified nurse-midwives, and certified nurse practitioners. The standards may provide for approval of continuing nursing education programs and courses that have been approved by other state boards of nursing or by national accreditation systems for nursing, including, but not limited to, the American nurses' credentialing center and the national association for practical nurse education and service.	1505 1506 1507 1508 1509 1510 1511 1512 1513 1514
(F) Standards that persons must meet to be authorized by the board to approve continuing education programs and courses and a schedule by which that authorization expires and may be renewed;	1515 1516 1517
(G) Requirements, including continuing education requirements, for reactivating inactive licenses or certificates, and for reinstating licenses or certificates that have lapsed;	1518 1519 1520
(H) Conditions that may be imposed for reinstatement of a license or certificate following action taken under section 3123.47, 4723.28, 4723.281, 4723.652, or 4723.86 of the Revised Code resulting in a license or certificate suspension;	1521 1522 1523 1524
(I) Requirements for board approval of courses in medication	1525

administration by licensed practical nurses;	1526
(J) Criteria for evaluating the qualifications of an applicant for a license to practice nursing as a registered nurse, a license to practice nursing as a licensed practical nurse, or a certificate of authority issued under division (B) of section 4723.41 of the Revised Code for the purpose of issuing the license or certificate by the board's endorsement of the applicant's authority to practice issued by the licensing agency of another state;	1527 1528 1529 1530 1531 1532 1533 1534
(K) Universal and standard precautions that shall be used by each licensee or certificate holder. The rules shall define and establish requirements for universal and standard precautions that include the following:	1535 1536 1537 1538
(1) Appropriate use of hand washing;	1539
(2) Disinfection and sterilization of equipment;	1540
(3) Handling and disposal of needles and other sharp instruments;	1541 1542
(4) Wearing and disposal of gloves and other protective garments and devices.	1543 1544
(L) Standards and procedures for approving certificates of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, and for renewal of those certificates;	1545 1546 1547 1548 1549
(M) Quality assurance standards for certified registered nurse anesthetists, clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners;	1550 1551 1552
(N) Additional criteria for the standard care arrangement required by section 4723.431 of the Revised Code entered into by a clinical nurse specialist, certified nurse-midwife, or certified	1553 1554 1555

nurse practitioner and the nurse's collaborating physician or 1556
podiatrist; 1557

(O) Continuing education standards for clinical nurse 1558
specialists who were issued a certificate of authority to practice 1559
as a clinical nurse specialist under division (C) of section 1560
4723.41 of the Revised Code as that division existed at any time 1561
before ~~the effective date of this amendment~~ March 20, 2013; 1562

(P) For purposes of division (B)(31) of section 4723.28 of 1563
the Revised Code, the actions, omissions, or other circumstances 1564
that constitute failure to establish and maintain professional 1565
boundaries with a patient; 1566

(Q) Standards and procedures for delegation under division 1567
(C) of section 4723.48 of the Revised Code of the authority to 1568
administer drugs. 1569

The board may adopt other rules necessary to carry out the 1570
provisions of this chapter. The rules shall be adopted in 1571
accordance with Chapter 119. of the Revised Code. 1572

Sec. 4723.18. (A) The board of nursing shall authorize a 1573
licensed practical nurse to administer to an adult intravenous 1574
therapy if the nurse supplies evidence satisfactory to the board 1575
that all of the following are the case: 1576

(1) The nurse holds a current, valid license issued under 1577
this chapter to practice nursing as a licensed practical nurse. 1578

(2) The nurse has been authorized under section ~~4723.18~~ 1579
4723.17 of the Revised Code to administer medications. 1580

(3) The nurse successfully completed a course of study in the 1581
safe performance of intravenous therapy approved by the board 1582
pursuant to section 4723.19 of the Revised Code or by an agency in 1583
another jurisdiction that regulates the practice of nursing and 1584
has requirements for intravenous therapy course approval that are 1585

substantially similar to the requirements in division (B) of 1586
section 4723.19 of the Revised Code, as determined by the board. 1587

(4) The nurse has successfully completed a minimum of forty 1588
hours of training that includes all of the following: 1589

(a) The curriculum established by rules adopted by the board; 1590

(b) Training in the anatomy and physiology of the 1591
cardiovascular system, signs and symptoms of local and systemic 1592
complications in the administration of fluids and antibiotic 1593
additives, and guidelines for management of these complications; 1594

(c) Any other training or instruction the board considers 1595
appropriate; 1596

(d) A testing component that requires the nurse to perform a 1597
successful demonstration of the intravenous procedures, including 1598
all skills needed to perform them safely. 1599

(B) Except as provided in section 4723.181 of the Revised 1600
Code and subject to the restrictions in division (D) of this 1601
section, a licensed practical nurse may perform intravenous 1602
therapy on an adult patient only if authorized by the board 1603
pursuant to division (A) of this section and only at the direction 1604
of one of the following: 1605

(1) A ~~licensed~~ physician, physician assistant, dentist, 1606
optometrist, or podiatrist who is authorized to practice in this 1607
state and, except as provided in division (C)(2) of this section, 1608
is present and readily available at the facility where the 1609
intravenous therapy procedure is performed; 1610

(2) A registered nurse in accordance with division (C) of 1611
this section. 1612

(C)(1) Except as provided in division (C)(2) of this section 1613
and section 4723.181 of the Revised Code, when a licensed 1614
practical nurse authorized by the board to perform intravenous 1615

therapy performs an intravenous therapy procedure at the direction 1616
of a registered nurse, the registered nurse or another registered 1617
nurse shall be readily available at the site where the intravenous 1618
therapy is performed, and before the licensed practical nurse 1619
initiates the intravenous therapy, the registered nurse shall 1620
personally perform an on-site assessment of the adult patient who 1621
is to receive the intravenous therapy. 1622

(2) When a licensed practical nurse authorized by the board 1623
to perform intravenous therapy performs an intravenous therapy 1624
procedure in a home as defined in section 3721.10 of the Revised 1625
Code, or in an intermediate care facility for individuals with 1626
intellectual disabilities as defined in section 5124.01 of the 1627
Revised Code, at the direction of a registered nurse or ~~licensed~~ 1628
physician, physician assistant, dentist, optometrist, or 1629
podiatrist who is authorized to practice in this state, a 1630
registered nurse shall be on the premises of the home or facility 1631
or accessible by some form of telecommunication. 1632

(D) No licensed practical nurse shall perform any of the 1633
following intravenous therapy procedures: 1634

(1) Initiating or maintaining any of the following: 1635

(a) Blood or blood components; 1636

(b) Solutions for total parenteral nutrition; 1637

(c) Any cancer therapeutic medication including, but not 1638
limited to, cancer chemotherapy or an anti-neoplastic agent; 1639

(d) Solutions administered through any central venous line or 1640
arterial line or any other line that does not terminate in a 1641
peripheral vein, except that a licensed practical nurse authorized 1642
by the board to perform intravenous therapy may maintain the 1643
solutions specified in division (D)(6)(a) of this section that are 1644
being administered through a central venous line or peripherally 1645
inserted central catheter; 1646

(e) Any investigational or experimental medication.	1647
(2) Initiating intravenous therapy in any vein, except that a licensed practical nurse authorized by the board to perform intravenous therapy may initiate intravenous therapy in accordance with this section in a vein of the hand, forearm, or antecubital fossa;	1648 1649 1650 1651 1652
(3) Discontinuing a central venous, arterial, or any other line that does not terminate in a peripheral vein;	1653 1654
(4) Initiating or discontinuing a peripherally inserted central catheter;	1655 1656
(5) Mixing, preparing, or reconstituting any medication for intravenous therapy, except that a licensed practical nurse authorized by the board to perform intravenous therapy may prepare or reconstitute an antibiotic additive;	1657 1658 1659 1660
(6) Administering medication via the intravenous route, including all of the following activities:	1661 1662
(a) Adding medication to an intravenous solution or to an existing infusion, except that a licensed practical nurse authorized by the board to perform intravenous therapy may do any of the following:	1663 1664 1665 1666
(i) Initiate an intravenous infusion containing one or more of the following elements: dextrose 5%, normal saline, lactated ringers, sodium chloride .45%, sodium chloride 0.2%, sterile water;	1667 1668 1669 1670
(ii) Hang subsequent containers of the intravenous solutions specified in division (D)(6)(a)(i) of this section that contain vitamins or electrolytes, if a registered nurse initiated the infusion of that same intravenous solution;	1671 1672 1673 1674
(iii) Initiate or maintain an intravenous infusion containing an antibiotic additive.	1675 1676

(b) Injecting medication via a direct intravenous route, 1677
except that a licensed practical nurse authorized by the board to 1678
perform intravenous therapy may inject heparin or normal saline to 1679
flush an intermittent infusion device or heparin lock including, 1680
but not limited to, bolus or push. 1681

(7) Changing tubing on any line including, but not limited 1682
to, an arterial line or a central venous line, except that a 1683
licensed practical nurse authorized by the board to perform 1684
intravenous therapy may change tubing on an intravenous line that 1685
terminates in a peripheral vein; 1686

(8) Programming or setting any function of a patient 1687
controlled infusion pump. 1688

(E) Notwithstanding divisions (A) and (D) of this section, at 1689
the direction of a physician or a registered nurse, a licensed 1690
practical nurse authorized by the board to perform intravenous 1691
therapy may perform the following activities for the purpose of 1692
performing dialysis: 1693

(1) The routine administration and regulation of saline 1694
solution for the purpose of maintaining an established fluid plan; 1695

(2) The administration of a heparin dose intravenously; 1696

(3) The administration of a heparin dose peripherally via a 1697
fistula needle; 1698

(4) The loading and activation of a constant infusion pump; 1699

(5) The intermittent injection of a dose of medication that 1700
is administered via the hemodialysis blood circuit and through the 1701
patient's venous access. 1702

(F) No person shall employ or direct a licensed practical 1703
nurse to perform an intravenous therapy procedure without first 1704
verifying that the licensed practical nurse is authorized by the 1705
board to perform intravenous therapy. 1706

Sec. 4723.181. (A) A licensed practical nurse may perform on 1707
any person any of the intravenous therapy procedures specified in 1708
division (B) of this section without receiving authorization to 1709
perform intravenous therapy from the board of nursing under 1710
section 4723.18 of the Revised Code, if both of the following 1711
apply: 1712

(1) The licensed practical nurse acts at the direction of a 1713
registered nurse or a ~~licensed~~ physician, physician assistant, 1714
dentist, optometrist, or podiatrist who is authorized to practice 1715
in this state and the registered nurse, physician, physician 1716
assistant, dentist, optometrist, or podiatrist is on the premises 1717
where the procedure is to be performed or accessible by some form 1718
of telecommunication. 1719

(2) The licensed practical nurse can demonstrate the 1720
knowledge, skills, and ability to perform the procedure safely. 1721

(B) The intravenous therapy procedures that a licensed 1722
practical nurse may perform pursuant to division (A) of this 1723
section are limited to the following: 1724

(1) Verification of the type of peripheral intravenous 1725
solution being administered; 1726

(2) Examination of a peripheral infusion site and the 1727
extremity for possible infiltration; 1728

(3) Regulation of a peripheral intravenous infusion according 1729
to the prescribed flow rate; 1730

(4) Discontinuation of a peripheral intravenous device at the 1731
appropriate time; 1732

(5) Performance of routine dressing changes at the insertion 1733
site of a peripheral venous or arterial infusion, peripherally 1734
inserted central catheter infusion, or central venous pressure 1735
subclavian infusion. 1736

Sec. 4723.48. (A) A clinical nurse specialist, certified 1737
nurse-midwife, or certified nurse practitioner seeking authority 1738
to prescribe drugs and therapeutic devices shall file with the 1739
board of nursing a written application for a certificate to 1740
prescribe. The board of nursing shall issue a certificate to 1741
prescribe to each applicant who meets the requirements specified 1742
in section 4723.482 or 4723.485 of the Revised Code. 1743

Except as provided in division (B) of this section, the 1744
initial certificate to prescribe that the board issues to an 1745
applicant shall be issued as an externship certificate. Under an 1746
externship certificate, the nurse may obtain experience in 1747
prescribing drugs and therapeutic devices by participating in an 1748
externship that evaluates the nurse's competence, knowledge, and 1749
skill in pharmacokinetic principles and their clinical application 1750
to the specialty being practiced. During the externship, the nurse 1751
may prescribe drugs and therapeutic devices only when one or more 1752
physicians are providing supervision in accordance with rules 1753
adopted under section 4723.50 of the Revised Code. 1754

After completing the externship, the holder of an externship 1755
certificate may apply for a new certificate to prescribe. On 1756
receipt of the new certificate, the nurse may prescribe drugs and 1757
therapeutic devices in collaboration with one or more physicians 1758
or podiatrists. 1759

(B) In the case of an applicant who meets the requirements of 1760
division (C) of section 4723.482 of the Revised Code, the initial 1761
certificate to prescribe that the board issues to the applicant 1762
under this section shall not be an externship certificate. The 1763
applicant shall be issued a certificate to prescribe that permits 1764
the recipient to prescribe drugs and therapeutic devices in 1765
collaboration with one or more physicians or podiatrists. 1766

(C)(1) The holder of a certificate issued under this section 1767

may delegate to a person not otherwise authorized to administer 1768
drugs the authority to administer a drug, other than a controlled 1769
substance, listed in the formulary established under division 1770
(B)(1) of section 4723.50 of the Revised Code to a specified 1771
patient. The delegation shall be in accordance with division 1772
(C)(2) of this section and standards and procedures established in 1773
rules adopted under division (O) of section 4723.07 of the Revised 1774
Code. 1775

(2) Prior to delegating authority, the certificate holder 1776
shall do both of the following: 1777

(a) Assess the patient and determine that the drug is 1778
appropriate for the patient; 1779

(b) Determine that the person to whom the authority will be 1780
delegated has met the conditions specified in division (D) of 1781
section 4723.489 of the Revised Code. 1782

Sec. 4723.482. (A) Except as provided in divisions (C) and 1783
(D) of this section, an applicant shall include with the 1784
application submitted under section 4723.48 of the Revised Code 1785
all of the following: 1786

(1) Evidence of holding a current, valid certificate of 1787
authority to practice as a clinical nurse specialist, certified 1788
nurse-midwife, or certified nurse practitioner that was issued by 1789
meeting the requirements of division (A) of section 4723.41 of the 1790
Revised Code; 1791

(2) Evidence of successfully completing the course of study 1792
in advanced pharmacology and related topics in accordance with the 1793
requirements specified in division (B) of this section; 1794

(3) The fee required by section 4723.08 of the Revised Code 1795
for a certificate to prescribe; 1796

(4) Any additional information the board of nursing requires 1797

pursuant to rules adopted under section 4723.50 of the Revised Code. 1798
1799

(B) With respect to the course of study in advanced pharmacology and related topics that must be successfully completed to obtain a certificate to prescribe, all of the following requirements apply: 1800
1801
1802
1803

(1) The course of study shall be completed not longer than three years before the application for the certificate to prescribe is filed. 1804
1805
1806

~~(2) Except as provided in division (E) of this section, the course of study shall consist of planned classroom and clinical instruction. The total length of the course of study shall be not less than forty-five contact hours.~~ 1807
1808
1809
1810

(3) The course of study shall meet the requirements to be approved by the board in accordance with standards established in rules adopted under section 4723.50 of the Revised Code. 1811
1812
1813

(4) The content of the course of study shall be specific to the applicant's nursing specialty. 1814
1815

(5) The instruction provided in the course of study shall include all of the following: 1816
1817

(a) A minimum of thirty-six contact hours of instruction in advanced pharmacology that includes pharmacokinetic principles and clinical application and the use of drugs and therapeutic devices in the prevention of illness and maintenance of health; 1818
1819
1820
1821

(b) Instruction in the fiscal and ethical implications of prescribing drugs and therapeutic devices; 1822
1823

(c) Instruction in the state and federal laws that apply to the authority to prescribe; 1824
1825

(d) Instruction that is specific to schedule II controlled substances, including instruction in all of the following: 1826
1827

(i) Indications for the use of schedule II controlled substances in drug therapies;	1828 1829
(ii) The most recent guidelines for pain management therapies, as established by state and national organizations such as the Ohio pain initiative and the American pain society;	1830 1831 1832
(iii) Fiscal and ethical implications of prescribing schedule II controlled substances;	1833 1834
(iv) State and federal laws that apply to the authority to prescribe schedule II controlled substances;	1835 1836
(v) Prevention of abuse and diversion of schedule II controlled substances, including identification of the risk of abuse and diversion, recognition of abuse and diversion, types of assistance available for prevention of abuse and diversion, and methods of establishing safeguards against abuse and diversion.	1837 1838 1839 1840 1841
(e) Any additional instruction required pursuant to rules adopted under section 4723.50 of the Revised Code.	1842 1843
(C) An applicant who practiced or is practicing as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner in another jurisdiction or as an employee of the United States government, and is not seeking authority to prescribe drugs and therapeutic devices by meeting the requirements of division (A) or (D) of this section, shall include with the application submitted under section 4723.48 of the Revised Code all of the following:	1844 1845 1846 1847 1848 1849 1850 1851
(1) Evidence of holding a current, valid certificate of authority issued under this chapter to practice as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;	1852 1853 1854 1855
(2) The fee required by section 4723.08 of the Revised Code for a certificate to prescribe;	1856 1857

(3) Either of the following:	1858
(a) Evidence of having held, for a continuous period of at least one year during the three years immediately preceding the date of application, valid authority issued by another jurisdiction to prescribe therapeutic devices and drugs, including at least some controlled substances;	1859 1860 1861 1862 1863
(b) Evidence of having been employed by the United States government and authorized, for a continuous period of at least one year during the three years immediately preceding the date of application, to prescribe therapeutic devices and drugs, including at least some controlled substances, in conjunction with that employment.	1864 1865 1866 1867 1868 1869
(4) Evidence of having completed a two-hour course of instruction approved by the board in the laws of this state that govern drugs and prescriptive authority;	1870 1871 1872
(5) Any additional information the board requires pursuant to rules adopted under section 4723.50 of the Revised Code.	1873 1874
(D) An applicant who practiced or is practicing as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner in another jurisdiction or as an employee of the United States government, and is not seeking authority to prescribe drugs and therapeutic devices by meeting the requirements of division (A) or (C) of this section, shall include with the application submitted under section 4723.48 of the Revised Code all of the following:	1875 1876 1877 1878 1879 1880 1881 1882
(1) Evidence of holding a current, valid certificate of authority issued under this chapter to practice as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;	1883 1884 1885 1886
(2) The fee required by section 4723.08 of the Revised Code for a certificate to prescribe;	1887 1888

(3) Either of the following: 1889

(a) Evidence of having held, for a continuous period of at 1890
least one year during the three years immediately preceding the 1891
date of application, valid authority issued by another 1892
jurisdiction to prescribe therapeutic devices and drugs, excluding 1893
controlled substances; 1894

(b) Evidence of having been employed by the United States 1895
government and authorized, for a continuous period of at least one 1896
year during the three years immediately preceding the date of 1897
application, to prescribe therapeutic devices and drugs, excluding 1898
controlled substances, in conjunction with that employment. 1899

(4) Any additional information the board requires pursuant to 1900
rules adopted under section 4723.50 of the Revised Code. 1901

~~(E) In the case of an applicant who meets the requirements of 1902
division (C) or (D) of this section other than the requirements of 1903
division (C)(3) or (D)(3) of this section and is seeking authority 1904
to prescribe drugs and therapeutic devices by meeting the 1905
requirements of division (A) of this section, the applicant may 1906
complete the instruction that is specific to schedule II 1907
controlled substances, as required by division (B)(5)(d) of this 1908
section, through an internet based course of study in lieu of 1909
completing the instruction through a course of study consisting of 1910
planned classroom and clinical instruction. 1911~~

Sec. 4723.489. A person not otherwise authorized to 1912
administer drugs may administer a drug to a specified patient if 1913
all of the following conditions are met: 1914

(A) The authority to administer the drug is delegated to the 1915
person by an advanced practice registered nurse who is a clinical 1916
nurse specialist, certified nurse-midwife, or certified nurse 1917
practitioner and holds a certificate to prescribe issued under 1918

section 4723.48 of the Revised Code. 1919

(B) The drug is listed in the formulary established under 1920
division (B) of section 4723.50 of the Revised Code but is not a 1921
controlled substance and is not to be administered intravenously. 1922

(C) The drug is to be administered at a location other than a 1923
hospital inpatient care unit, as defined in section 3727.50 of the 1924
Revised Code; a hospital emergency department or a freestanding 1925
emergency department; or an ambulatory surgical facility, as 1926
defined in section 3702.30 of the Revised Code. 1927

(D) The person has successfully completed education based on 1928
a recognized body of knowledge concerning drug administration and 1929
demonstrates to the person's employer the knowledge, skills, and 1930
ability to administer the drug safely. 1931

(E) The person's employer has given the advanced practice 1932
registered nurse access to documentation, in written or electronic 1933
form, showing that the person has met the conditions specified in 1934
division (D) of this section. 1935

(F) The advanced practice registered nurse is physically 1936
present at the location where the drug is administered. 1937

Sec. 4723.50. (A) In accordance with Chapter 119. of the 1938
Revised Code, the board of nursing shall adopt rules as necessary 1939
to implement the provisions of this chapter pertaining to the 1940
authority of clinical nurse specialists, certified nurse-midwives, 1941
and certified nurse practitioners to prescribe drugs and 1942
therapeutic devices and the issuance and renewal of certificates 1943
to prescribe. 1944

The board shall adopt rules that are consistent with the 1945
recommendations the board receives from the committee on 1946
prescriptive governance pursuant to section 4723.492 of the 1947
Revised Code. After reviewing a recommendation submitted by the 1948

committee, the board may either adopt the recommendation as a rule 1949
or ask the committee to reconsider and resubmit the 1950
recommendation. The board shall not adopt any rule that does not 1951
conform to a recommendation made by the committee. 1952

(B) The board shall adopt rules under this section that do 1953
all of the following: 1954

(1) Establish a formulary listing the types of drugs and 1955
therapeutic devices that may be prescribed by a clinical nurse 1956
specialist, certified nurse-midwife, or certified nurse 1957
practitioner. The formulary may include controlled substances, as 1958
defined in section 3719.01 of the Revised Code. The formulary 1959
shall not permit the prescribing of any drug or device to perform 1960
or induce an abortion. 1961

(2) Establish safety standards to be followed by a clinical 1962
nurse specialist, certified nurse-midwife, or certified nurse 1963
practitioner when personally furnishing to patients complete or 1964
partial supplies of antibiotics, antifungals, scabicides, 1965
contraceptives, prenatal vitamins, antihypertensives, drugs and 1966
devices used in the treatment of diabetes, drugs and devices used 1967
in the treatment of asthma, and drugs used in the treatment of 1968
dyslipidemia; 1969

(3) Establish criteria for the components of the standard 1970
care arrangements described in section 4723.431 of the Revised 1971
Code that apply to the authority to prescribe, including the 1972
components that apply to the authority to prescribe schedule II 1973
controlled substances. The rules shall be consistent with that 1974
section and include all of the following: 1975

(a) Quality assurance standards; 1976

(b) Standards for periodic review by a collaborating 1977
physician or podiatrist of the records of patients treated by the 1978
clinical nurse specialist, certified nurse-midwife, or certified 1979

nurse practitioner;	1980
(c) Acceptable travel time between the location at which the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner is engaging in the prescribing components of the nurse's practice and the location of the nurse's collaborating physician or podiatrist;	1981 1982 1983 1984 1985
(d) Any other criteria recommended by the committee on prescriptive governance.	1986 1987
(4) Establish standards and procedures for issuance and renewal of a certificate to prescribe, including specification of any additional information the board may require under division (A)(4), (C)(5), or (D) (5) (4) of section 4723.482 or division (B)(3) of section 4723.485, <u>or division (B)(3) of section 4723.486</u> of the Revised Code;	1988 1989 1990 1991 1992 1993
(5) Establish standards for board approval of the course of study in advanced pharmacology and related topics required by section 4723.482 of the Revised Code;	1994 1995 1996
(6) Establish requirements for board approval of the two-hour course of instruction in the laws of this state as required under division (C)(4) of section 4723.482 of the Revised Code and division (B)(2) of section 4723.484 of the Revised Code;	1997 1998 1999 2000
(7) Establish standards and procedures for the appropriate conduct of an externship as described in section 4723.484 of the Revised Code, including the following:	2001 2002 2003
(a) Standards and procedures to be used in evaluating an individual's participation in an externship;	2004 2005
(b) Standards and procedures for the supervision that a physician must provide during an externship, including supervision provided by working with the participant and supervision provided by making timely reviews of the records of patients treated by the	2006 2007 2008 2009

participant. The manner in which supervision must be provided may 2010
vary according to the location where the participant is practicing 2011
and with the participant's level of experience. 2012

Sec. 4729.01. As used in this chapter: 2013

(A) "Pharmacy," except when used in a context that refers to 2014
the practice of pharmacy, means any area, room, rooms, place of 2015
business, department, or portion of any of the foregoing where the 2016
practice of pharmacy is conducted. 2017

(B) "Practice of pharmacy" means providing pharmacist care 2018
requiring specialized knowledge, judgment, and skill derived from 2019
the principles of biological, chemical, behavioral, social, 2020
pharmaceutical, and clinical sciences. As used in this division, 2021
"pharmacist care" includes the following: 2022

(1) Interpreting prescriptions; 2023

(2) Dispensing drugs and drug therapy related devices; 2024

(3) Compounding drugs; 2025

(4) Counseling individuals with regard to their drug therapy, 2026
recommending drug therapy related devices, and assisting in the 2027
selection of drugs and appliances for treatment of common diseases 2028
and injuries and providing instruction in the proper use of the 2029
drugs and appliances; 2030

(5) Performing drug regimen reviews with individuals by 2031
discussing all of the drugs that the individual is taking and 2032
explaining the interactions of the drugs; 2033

(6) Performing drug utilization reviews with licensed health 2034
professionals authorized to prescribe drugs when the pharmacist 2035
determines that an individual with a prescription has a drug 2036
regimen that warrants additional discussion with the prescriber; 2037

(7) Advising an individual and the health care professionals 2038

treating an individual with regard to the individual's drug	2039
therapy;	2040
(8) Acting pursuant to a consult agreement with a physician	2041
authorized under Chapter 4731. of the Revised Code to practice	2042
medicine and surgery or osteopathic medicine and surgery, if an	2043
agreement has been established with the physician;	2044
(9) Engaging in the administration of immunizations to the	2045
extent authorized by section 4729.41 of the Revised Code.	2046
(C) "Compounding" means the preparation, mixing, assembling,	2047
packaging, and labeling of one or more drugs in any of the	2048
following circumstances:	2049
(1) Pursuant to a prescription issued by a licensed health	2050
professional authorized to prescribe drugs;	2051
(2) Pursuant to the modification of a prescription made in	2052
accordance with a consult agreement;	2053
(3) As an incident to research, teaching activities, or	2054
chemical analysis;	2055
(4) In anticipation of orders for drugs pursuant to	2056
prescriptions, based on routine, regularly observed dispensing	2057
patterns;	2058
(5) Pursuant to a request made by a licensed health	2059
professional authorized to prescribe drugs for a drug that is to	2060
be used by the professional for the purpose of direct	2061
administration to patients in the course of the professional's	2062
practice, if all of the following apply:	2063
(a) At the time the request is made, the drug is not	2064
commercially available regardless of the reason that the drug is	2065
not available, including the absence of a manufacturer for the	2066
drug or the lack of a readily available supply of the drug from a	2067
manufacturer.	2068

(b) A limited quantity of the drug is compounded and provided 2069
to the professional. 2070

(c) The drug is compounded and provided to the professional 2071
as an occasional exception to the normal practice of dispensing 2072
drugs pursuant to patient-specific prescriptions. 2073

(D) "Consult agreement" means an agreement to manage an 2074
individual's drug therapy that has been entered into by a 2075
pharmacist and a physician authorized under Chapter 4731. of the 2076
Revised Code to practice medicine and surgery or osteopathic 2077
medicine and surgery. 2078

(E) "Drug" means: 2079

(1) Any article recognized in the United States pharmacopoeia 2080
and national formulary, or any supplement to them, intended for 2081
use in the diagnosis, cure, mitigation, treatment, or prevention 2082
of disease in humans or animals; 2083

(2) Any other article intended for use in the diagnosis, 2084
cure, mitigation, treatment, or prevention of disease in humans or 2085
animals; 2086

(3) Any article, other than food, intended to affect the 2087
structure or any function of the body of humans or animals; 2088

(4) Any article intended for use as a component of any 2089
article specified in division (E)(1), (2), or (3) of this section; 2090
but does not include devices or their components, parts, or 2091
accessories. 2092

(F) "Dangerous drug" means any of the following: 2093

(1) Any drug to which either of the following applies: 2094

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 2095
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 2096
required to bear a label containing the legend "Caution: Federal 2097
law prohibits dispensing without prescription" or "Caution: 2098

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 issued under section 4723.48 of the Revised Code;

(3) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry under a therapeutic pharmaceutical agents certificate;

(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;

(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~~ physician-delegated prescriptive authority;

(6) A veterinarian licensed under Chapter 4741. of the Revised Code.

(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.

(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.

(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.

(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.

(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:

(1) The proprietary name of the drug product;

(2) The established (generic) name of the drug product;

(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 2159
associated with the product without indicating each active 2160
ingredient. The established name and quantity of each active 2161
ingredient are required if such a relevant strength cannot be so 2162
associated with a drug product containing more than one 2163
ingredient. 2164

(4) The dosage form; 2165

(5) The price charged for a specific quantity of the drug 2166
product. The stated price shall include all charges to the 2167
consumer, including, but not limited to, the cost of the drug 2168
product, professional fees, handling fees, if any, and a statement 2169
identifying professional services routinely furnished by the 2170
pharmacy. Any mailing fees and delivery fees may be stated 2171
separately without repetition. The information shall not be false 2172
or misleading. 2173

(O) "Wholesale distributor of dangerous drugs" means a person 2174
engaged in the sale of dangerous drugs at wholesale and includes 2175
any agent or employee of such a person authorized by the person to 2176
engage in the sale of dangerous drugs at wholesale. 2177

(P) "Manufacturer of dangerous drugs" means a person, other 2178
than a pharmacist, who manufactures dangerous drugs and who is 2179
engaged in the sale of those dangerous drugs within this state. 2180

(Q) "Terminal distributor of dangerous drugs" means a person 2181
who is engaged in the sale of dangerous drugs at retail, or any 2182
person, other than a wholesale distributor or a pharmacist, who 2183
has possession, custody, or control of dangerous drugs for any 2184
purpose other than for that person's own use and consumption, and 2185
includes pharmacies, hospitals, nursing homes, and laboratories 2186
and all other persons who procure dangerous drugs for sale or 2187
other distribution by or under the supervision of a pharmacist or 2188
licensed health professional authorized to prescribe drugs. 2189

(R) "Promote to the public" means disseminating a 2190
representation to the public in any manner or by any means, other 2191
than by labeling, for the purpose of inducing, or that is likely 2192
to induce, directly or indirectly, the purchase of a dangerous 2193
drug at retail. 2194

(S) "Person" includes any individual, partnership, 2195
association, limited liability company, or corporation, the state, 2196
any political subdivision of the state, and any district, 2197
department, or agency of the state or its political subdivisions. 2198

(T) "Finished dosage form" has the same meaning as in section 2199
3715.01 of the Revised Code. 2200

(U) "Generically equivalent drug" has the same meaning as in 2201
section 3715.01 of the Revised Code. 2202

(V) "Animal shelter" means a facility operated by a humane 2203
society or any society organized under Chapter 1717. of the 2204
Revised Code or a dog pound operated pursuant to Chapter 955. of 2205
the Revised Code. 2206

(W) "Food" has the same meaning as in section 3715.01 of the 2207
Revised Code. 2208

(X) "Pain management clinic" has the same meaning as in 2209
section 4731.054 of the Revised Code. 2210

Sec. 4730.01. As used in this chapter: 2211

~~(A) "Physician assistant" means a skilled person qualified by 2212
academic and clinical training to provide services to patients as 2213
a physician assistant under the supervision, control, and 2214
direction of one or more physicians who are responsible for the 2215
physician assistant's performance. 2216~~

~~(B)~~ "Physician" means an individual who is authorized under 2217
Chapter 4731. of the Revised Code to practice medicine and 2218
surgery, osteopathic medicine and surgery, or podiatric medicine 2219

and surgery. 2220

~~(C)~~(B) "Health care facility" means any of the following: 2221

(1) A hospital registered with the department of health under 2222
section 3701.07 of the Revised Code; 2223

(2) A health care facility licensed by the department of 2224
health under section 3702.30 of the Revised Code; 2225

(3) Any other facility designated by the state medical board 2226
in rules adopted pursuant to division (B)~~(2)~~ of section 4730.08 of 2227
the Revised Code. 2228

~~(D) "Special services" means the health care services that a 2229
physician assistant may be authorized to provide under the special 2230
services portion of a physician supervisory plan approved under 2231
section 4730.17 of the Revised Code (C) "Service" means a medical 2232
activity that requires training in the diagnosis, treatment, or 2233
prevention of disease. 2234~~

Sec. 4730.02. (A) No person shall hold that person out as 2235
being able to function as a physician assistant, or use any words 2236
or letters indicating or implying that the person is a physician 2237
assistant, without a current, valid certificate license to 2238
practice as a physician assistant issued pursuant to this chapter. 2239

(B) No person shall practice as a physician assistant without 2240
the supervision, control, and direction of a physician. 2241

~~(C) No person shall act as the supervising physician of a 2242
physician assistant without having received the state medical 2243
board's approval of a supervision agreement entered into with the 2244
physician assistant. 2245~~

~~(D) No person shall practice as a physician assistant without 2246
having entered into a supervision agreement that has been approved 2247
by the state medical board with a supervising physician under 2248
section 4730.19 of the Revised Code. 2249~~

~~(E)~~(D) No person acting as the supervising physician of a 2250
physician assistant shall authorize the physician assistant to 2251
perform services if either of the following is the case: 2252

(1) The services are not within the physician's normal course 2253
of practice and expertise; 2254

(2) The services are inconsistent with the ~~physician~~ 2255
~~supervisory plan approved by the state medical board for the~~ 2256
~~supervising physician or supervision agreement under which the~~ 2257
~~physician assistant is being supervised, including, if applicable,~~ 2258
the policies of the health care facility in which the physician 2259
and physician assistant are practicing. 2260

~~(F) No person shall practice as a physician assistant in a~~ 2261
~~manner that is inconsistent with the physician supervisory plan~~ 2262
~~approved for the physician who is responsible for supervising the~~ 2263
~~physician assistant or the policies of the health care facility in~~ 2264
~~which the physician assistant is practicing.~~ 2265

~~(G)~~(E) No person practicing as a physician assistant shall 2266
prescribe any drug or device to perform or induce an abortion, or 2267
otherwise perform or induce an abortion. 2268

~~(H)~~(F) No person shall advertise to provide services as a 2269
physician assistant, except for the purpose of seeking employment. 2270

~~(I)~~(G) No person practicing as a physician assistant shall 2271
fail to wear at all times when on duty a placard, plate, or other 2272
device identifying that person as a "physician assistant." 2273

Sec. 4730.03. Nothing in this chapter shall: 2274

(A) Be construed to affect or interfere with the performance 2275
of duties of any medical personnel who are either of the 2276
following: 2277

(1) In active service in the army, navy, coast guard, marine 2278
corps, air force, public health service, or marine hospital 2279

service of the United States while so serving; 2280

(2) Employed by the veterans administration of the United 2281
States while so employed; 2282

(B) Prevent any person from performing any of the services a 2283
physician assistant may be authorized to perform, if the person's 2284
professional scope of practice established under any other chapter 2285
of the Revised Code authorizes the person to perform the services; 2286

(C) Prohibit a physician from delegating responsibilities to 2287
any nurse or other qualified person who does not hold a 2288
~~certificate~~ license to practice as a physician assistant, provided 2289
that the individual does not hold the individual out to be a 2290
physician assistant; 2291

(D) Be construed as authorizing a physician assistant 2292
independently to order or direct the execution of procedures or 2293
techniques by a registered nurse or licensed practical nurse in 2294
the care and treatment of a person in any setting, except to the 2295
extent that the physician assistant is authorized to do so by ~~the~~ 2296
~~physician supervisory plan approved under section 4730.17 of the~~ 2297
~~Revised Code for the~~ a physician who is responsible for 2298
supervising the physician assistant ~~or~~ and, if applicable, the 2299
policies of the health care facility in which the physician 2300
assistant is practicing; 2301

(E) Authorize a physician assistant to engage in the practice 2302
of optometry, except to the extent that the physician assistant is 2303
authorized by a supervising physician acting in accordance with 2304
this chapter to perform routine visual screening, provide medical 2305
care prior to or following eye surgery, or assist in the care of 2306
diseases of the eye; 2307

(F) Be construed as authorizing a physician assistant to 2308
prescribe any drug or device to perform or induce an abortion, or 2309
as otherwise authorizing a physician assistant to perform or 2310

induce an abortion.	2311
Sec. 4730.04. (A) As used in this section:	2312
(1) "Disaster" means any imminent threat or actual occurrence	2313
of widespread or severe damage to or loss of property, personal	2314
hardship or injury, or loss of life that results from any natural	2315
phenomenon or act of a human.	2316
(2) "Emergency" means an occurrence or event that poses an	2317
imminent threat to the health or life of a human.	2318
(B) Nothing in this chapter prohibits any of the following	2319
individuals from providing medical care, to the extent the	2320
individual is able, in response to a need for medical care	2321
precipitated by a disaster or emergency:	2322
(1) An individual who holds a certificate <u>license</u> to practice	2323
as a physician assistant issued under this chapter;	2324
(2) An individual licensed or authorized to practice as a	2325
physician assistant in another state;	2326
(3) An individual credentialed or employed as a physician	2327
assistant by an agency, office, or other instrumentality of the	2328
federal government.	2329
(C) For purposes of the medical care provided by a physician	2330
assistant pursuant to division (B)(1) of this section, both of the	2331
following apply notwithstanding any supervision requirement of	2332
this chapter to the contrary:	2333
(1) The physician who supervises the physician assistant	2334
pursuant to a physician supervisory plan approved by the state	2335
medical board under section 4730.17 of the Revised Code	2336
<u>supervision agreement entered into under section 4730.19 of the</u>	2337
<u>Revised Code</u> is not required to meet the supervision requirements	2338
established under this chapter.	2339

(2) The physician designated as the medical director of the 2340
disaster or emergency may supervise the medical care provided by 2341
the physician assistant. 2342

Sec. 4730.06. (A) The physician assistant policy committee of 2343
the state medical board shall review, and shall submit to the 2344
board recommendations concerning, all of the following: 2345

(1) Requirements for ~~issuance of certificates~~ issuing a 2346
license to practice as a physician assistant, including the 2347
educational requirements that must be met to receive a ~~certificate~~ 2348
license to practice; 2349

(2) Existing and proposed rules pertaining to the practice of 2350
physician assistants, the supervisory relationship between 2351
physician assistants and supervising physicians, and the 2352
administration and enforcement of this chapter; 2353

(3) In accordance with section 4730.38 of the Revised Code, 2354
physician-delegated prescriptive authority for physician 2355
assistants and proposed changes to the physician assistant 2356
formulary the board adopts pursuant to division (A)(1) of section 2357
4730.39 of the Revised Code; 2358

(4) Application procedures and forms for ~~certificates a~~ 2359
license to practice as a physician assistant, ~~physician~~ 2360
~~supervisory plans, and supervision agreements;~~ 2361

(5) Fees required by this chapter for issuance and renewal of 2362
~~certificates a~~ license to practice as a physician assistant; 2363

(6) ~~Criteria to be included in applications submitted to the~~ 2364
~~board for approval of physician supervisory plans, including~~ 2365
~~criteria to be included in applications for approval to delegate~~ 2366
~~to physician assistants the performance of special services;~~ 2367

(7) ~~Criteria to be included in supervision agreements~~ 2368
~~submitted to the board for approval and renewal of the board's~~ 2369

approval;	2370
(8) Any issue the board asks the committee to consider.	2371
(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,	2372 2373
either or both of the following:	2374 2375
(1) Quality <u>quality</u> 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;	2376 2377 2378 2379
(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.	2380 2381 2382 2383 2384
(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 consideration by the board.	2385 2386 2387 2388 2389 2390 2391 2392 2393 2394 2395 2396 2397
(D)(1) Except as provided in division (D)(2) of this section, the board may not take action regarding a matter that is subject to the committee's review under division (A) or (B) of this	2398 2399 2400

section unless the committee has made a recommendation to the board concerning the matter.

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

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

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

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

~~(3) When the physician assistant practices within a health care facility, the physician assistant shall practice in accordance with, including, if applicable, the policies of the health care facility~~ in which the physician assistant is practicing.

(B) ~~For purposes of division (A) of this section and all other provisions of this chapter pertaining to the practice of a~~

~~physician assistant under the policies of a health care facility,~~ 2431
~~both of the following apply:~~ 2432

~~(1) A physician who is supervising a physician assistant~~ 2433
~~within a health care facility may impose limitations on the~~ 2434
~~physician assistant's practice that are in addition to any~~ 2435
~~limitations applicable under the policies of the facility.~~ 2436

~~(2)~~ The state medical board may, subject to division (D) of 2437
section 4730.06 of the Revised Code, adopt rules designating 2438
facilities to be included as health care facilities that are in 2439
addition to the facilities specified in divisions ~~(C)~~(B)(1) and 2440
(2) of section 4730.01 of the Revised Code. ~~The~~ Any rules adopted 2441
shall be adopted in accordance with Chapter 119. of the Revised 2442
Code. 2443

Sec. 4730.10. (A) An individual seeking a ~~certificate~~ license 2444
to practice as a physician assistant shall file with the state 2445
medical board a written application on a form prescribed and 2446
supplied by the board. The application shall include all of the 2447
following: 2448

(1) The applicant's name, residential address, business 2449
address, if any, and social security number; 2450

(2) Satisfactory proof that the applicant meets the age and 2451
moral character requirements specified in divisions (A)(1) and (2) 2452
of section 4730.11 of the Revised Code; 2453

(3) Satisfactory proof that the applicant meets either the 2454
educational requirements specified in division (B)(1) or (2) of 2455
section 4730.11 of the Revised Code or the educational or other 2456
applicable requirements specified in division (C)(1), (2), or (3) 2457
of that section; 2458

(4) Any other information the board requires. 2459

(B) At the time of making application for a ~~certificate~~ 2460

license to practice, the applicant shall pay the board a fee of 2461
~~two~~ five hundred dollars, no part of which shall be returned. The 2462
fees shall be deposited in accordance with section 4731.24 of the 2463
Revised Code. 2464

Sec. 4730.101. In addition to any other eligibility 2465
requirement set forth in this chapter, each applicant for a 2466
~~certificate~~ license to practice as a physician assistant shall 2467
comply with sections 4776.01 to 4776.04 of the Revised Code. The 2468
state medical board shall not grant to an applicant a ~~certificate~~ 2469
license to practice as a physician assistant unless the board, in 2470
its discretion, decides that the results of the criminal records 2471
check do not make the applicant ineligible for a ~~certificate~~ 2472
license issued pursuant to section 4730.12 of the Revised Code. 2473

Sec. 4730.11. (A) To be eligible to receive a ~~certificate~~ 2474
license to practice as a physician assistant, all of the following 2475
apply to an applicant: 2476

(1) The applicant shall be at least eighteen years of age. 2477

(2) The applicant shall be of good moral character. 2478

(3) The applicant shall hold current certification by the 2479
national commission on certification of physician assistants or a 2480
successor organization that is recognized by the state medical 2481
board. 2482

(4) The applicant shall meet either of the following 2483
requirements: 2484

(a) The educational requirements specified in division (B)(1) 2485
or (2) of this section; 2486

(b) The educational or other applicable requirements 2487
specified in division (C)(1), (2), or (3) of this section. 2488

(B) Effective January 1, 2008, for purposes of division 2489

(A)(4)(a) of this section, an applicant shall meet either of the 2490
following educational requirements: 2491

(1) The applicant shall hold a master's or higher degree 2492
obtained from a program accredited by the accreditation review 2493
commission on education for the physician assistant or a 2494
predecessor or successor organization recognized by the board. 2495

(2) The applicant shall hold both of the following degrees: 2496

(a) A degree other than a master's or higher degree obtained 2497
from a program accredited by the accreditation review commission 2498
on education for the physician assistant or a predecessor or 2499
successor organization recognized by the board; 2500

(b) A master's or higher degree in a course of study with 2501
clinical relevance to the practice of physician assistants and 2502
obtained from a program accredited by a regional or specialized 2503
and professional accrediting agency recognized by the council for 2504
higher education accreditation. 2505

(C) For purposes of division (A)(4)(b) of this section, an 2506
applicant shall present evidence satisfactory to the board of 2507
meeting one of the following requirements in lieu of meeting the 2508
educational requirements specified in division (B)(1) or (2) of 2509
this section: 2510

(1) The applicant shall hold a current, valid license or 2511
other form of authority to practice as a physician assistant 2512
issued by another jurisdiction ~~prior to January 1, 2008~~ and have 2513
been in active practice in any jurisdiction throughout the 2514
three-year period immediately preceding the date of application. 2515

(2) The applicant shall hold a degree obtained as a result of 2516
being enrolled on January 1, 2008, in a program in this state that 2517
was accredited by the accreditation review commission on education 2518
for the physician assistant but did not grant a master's or higher 2519
degree to individuals enrolled in the program on that date, and 2520

completing the program on or before December 31, 2009. 2521

(3) The applicant shall ~~meet both of the following~~ 2522
~~educational and military experience requirements:~~ 2523

~~(a) Hold~~ hold a degree obtained from a program accredited by 2524
the accreditation review commission on education for the physician 2525
assistant; and meet either of the following experience 2526
requirements: 2527

~~(b)~~(a) Have experience practicing as a physician assistant 2528
for at least three consecutive years while on active duty, with 2529
evidence of service under honorable conditions, in any of the 2530
armed forces of the United States or the national guard of any 2531
state, including any experience attained while practicing as a 2532
physician assistant at a health care facility or clinic operated 2533
by the United States department of veterans affairs. 2534

(b) Have experience practicing as a physician assistant for 2535
at least three consecutive years while on active duty in the 2536
United States public health service commissioned corps. 2537

(D) Unless the applicant had prescriptive authority while 2538
practicing as a physician assistant in another jurisdiction, in 2539
the military, or in the public health service, the license issued 2540
to an applicant who does not hold a master's or higher degree 2541
described in division (B) of this section does not authorize the 2542
holder to exercise physician-delegated prescriptive authority and 2543
the state medical board shall not issue a prescriber number. 2544

(E)(1) This section does not require an individual to obtain 2545
a master's or higher degree as a condition of retaining or 2546
renewing a ~~certificate~~ license to practice as a physician 2547
assistant if the individual received the ~~certificate~~ license 2548
without holding a master's or higher degree as provided in either 2549
of the following: 2550

~~(1)~~(a) Before the educational requirements specified in 2551

division (B)(1) or (2) of this section became effective January 1, 2008;

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

(2) A license described in division (E)(1) of this section authorizes the license holder to exercise physician-delegated prescriptive authority if, on the effective date of this amendment, the license holder held a valid certificate to prescribe issued under former section 4730.44 of the Revised Code, as it existed immediately prior to the effective date of this amendment.

(3) On application of an individual who received a license without having first obtained a master's or higher degree and is not authorized under division (E)(2) of this section to exercise physician-delegated prescriptive authority, the board shall grant the individual the authority to exercise physician-delegated prescriptive authority if the individual provides evidence satisfactory to the board of having obtained a master's or higher degree from either of the following:

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

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

Sec. 4730.111. A physician assistant whose certification by the national commission on certification of physician assistants

or a successor organization recognized by the state medical board 2582
is suspended or revoked shall give notice of that occurrence to 2583
the board not later than fourteen days after the physician 2584
assistant receives notice of the change in certification status. A 2585
physician assistant who fails to renew the certification shall 2586
notify the board not later than fourteen days after the 2587
certification expires. 2588

Sec. 4730.12. (A) The state medical board shall review ~~all~~ 2589
~~applications~~ each application received under section 4730.10 of 2590
the Revised Code for ~~certificates~~ a license to practice as a 2591
physician assistant. Not later than sixty days after receiving a 2592
complete application, the board shall determine whether an 2593
applicant meets the requirements to receive a ~~certificate~~ license 2594
to practice, as specified in section 4730.11 of the Revised Code. 2595
An affirmative vote of not fewer than six members of the board is 2596
required to determine that an applicant meets the requirements to 2597
receive a ~~certificate~~ license to practice as a physician 2598
assistant. 2599

(B) If the board determines that an applicant meets the 2600
requirements to receive the ~~certificate~~ license, the secretary of 2601
the board shall register the applicant as a physician assistant 2602
and issue to the applicant a ~~certificate~~ license to practice as a 2603
physician assistant. 2604

(C)(1) During the first five hundred hours of the first one 2605
thousand hours of a physician assistant's exercise of 2606
physician-delegated prescriptive authority, the physician 2607
assistant shall exercise that authority only under the on-site 2608
supervision of a supervising physician. 2609

(2) A physician assistant shall be excused from the 2610
requirement established in division (C)(1) of this section if 2611
prior to application the physician assistant held a prescriber 2612

number, or the equivalent, from another jurisdiction and practiced 2613
with prescriptive authority in that jurisdiction for not less than 2614
one thousand hours. 2615

(3) A record of a physician assistant's completion of the 2616
hours required by division (C)(1) of this section or issuance of a 2617
prescriber number or equivalent by another jurisdiction shall be 2618
kept on file by a supervising physician of the physician 2619
assistant. The record shall be made available for inspection by 2620
the board. 2621

Sec. 4730.13. Upon application by the holder of a ~~certificate~~ 2622
license to practice as a physician assistant, the state medical 2623
board shall issue a duplicate ~~certificate~~ license to replace one 2624
that is missing or damaged, to reflect a name change, or for any 2625
other reasonable cause. The fee for a duplicate ~~certificate~~ 2626
license shall be thirty-five dollars. All fees collected under 2627
this section shall be deposited in accordance with section 4731.24 2628
of the Revised Code. 2629

Sec. 4730.14. (A) A ~~certificate~~ license to practice as a 2630
physician assistant shall expire biennially and may be renewed in 2631
accordance with this section. A person seeking to renew a 2632
~~certificate~~ license to practice as a physician assistant shall, on 2633
or before the thirty-first day of January of each even-numbered 2634
year, apply for renewal of the ~~certificate~~ license. The state 2635
medical board shall send renewal notices at least one month prior 2636
to the expiration date. 2637

Applications shall be submitted to the board on forms the 2638
board shall prescribe and furnish. Each application shall be 2639
accompanied by a biennial renewal fee of ~~one~~ two hundred dollars. 2640
The board shall deposit the fees in accordance with section 2641
4731.24 of the Revised Code. 2642

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

(B) To be eligible for renewal of a license, ~~a physician~~
~~assistant shall certify to the board both~~ an applicant is subject
to all of the following:

(1) ~~That the physician assistant~~ The applicant shall certify
to the board that the applicant has maintained certification by
the national commission on certification of physician assistants
or a successor organization that is recognized by the board by
meeting the standards to hold current certification from the
commission or its successor, including completion of continuing
medical education requirements and passing periodic
recertification examinations.

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

(3) The applicant shall comply with the renewal eligibility
requirements established under section 4730.49 of the Revised Code
that pertain to the applicant.

(C) The board shall adopt rules in accordance with Chapter
119. of the Revised Code specifying the types of continuing
medical education that must be completed to fulfill the board's

requirements under division (B)(2) of this section. Except when 2674
additional continuing medical education is required ~~to renew a~~ 2675
~~certificate to prescribe~~, as specified in section 4730.49 of the 2676
Revised Code, the board shall not adopt rules that require a 2677
physician assistant to complete in any ~~certification~~ licensure 2678
period more than one hundred hours of continuing medical education 2679
acceptable to the board. In fulfilling the board's requirements, a 2680
physician assistant may use continuing medical education courses 2681
or programs completed to maintain certification by the national 2682
commission on certification of physician assistants or a successor 2683
organization that is recognized by the board if the standards for 2684
acceptable courses and programs of the commission or its successor 2685
are at least equivalent to the standards established by the board. 2686

(D) If an applicant submits a complete renewal application 2687
and qualifies for renewal pursuant to division (B) of this 2688
section, the board shall issue to the applicant a renewed 2689
~~certificate~~ license to practice as a physician assistant. 2690

(E) The board may require a random sample of physician 2691
assistants to submit materials documenting certification by the 2692
national commission on certification of physician assistants or a 2693
successor organization that is recognized by the board and 2694
completion of the required number of hours of continuing medical 2695
education. 2696

(F) The board shall provide for pro rata reductions by month 2697
of the number of hours of continuing education that must be 2698
completed for individuals who are in their first ~~certification~~ 2699
licensure period, who have been disabled due to illness or 2700
accident, or who have been absent from the country. The board 2701
shall adopt rules, in accordance with Chapter 119. of the Revised 2702
Code, as necessary to implement this division. 2703

(G)(1) A ~~certificate~~ license to practice that is not renewed 2704
on or before its expiration date is automatically suspended on its 2705

expiration date. Continued practice after suspension of the certificate license shall be considered as practicing in violation of division (A) of section 4730.02 of the Revised Code.

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

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

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

(H) If an individual certifies that the individual has completed the number of hours and type of continuing medical education required for renewal or reinstatement of a certificate license to practice as a physician assistant, and the board finds through a random sample conducted under division (E) of this section or through any other means that the individual did not

complete the requisite continuing medical education, the board may 2738
impose a civil penalty of not more than five thousand dollars. The 2739
board's finding shall be made pursuant to an adjudication under 2740
Chapter 119. of the Revised Code and by an affirmative vote of not 2741
fewer than six members. 2742

A civil penalty imposed under this division may be in 2743
addition to or in lieu of any other action the board may take 2744
under section 4730.25 of the Revised Code. The board shall deposit 2745
civil penalties in accordance with section 4731.24 of the Revised 2746
Code. 2747

Sec. 4730.19. (A) ~~For a supervision agreement to be approved~~ 2748
~~by the board, all of the following apply:~~ 2749

~~(1) Before initiating supervision of one or more physician 2750
assistants licensed under this chapter, a physician shall enter 2751
into a supervision agreement with each physician assistant who 2752
will be supervised. A supervision agreement may apply to one or 2753
more physician assistants, but, except as provided in division 2754
(B)(2)(e) of this section, may apply to not more than one 2755
physician. The supervision agreement shall specify that the 2756
physician agrees to supervise the physician assistant and the 2757
physician assistant agrees to practice in accordance with the 2758
conditions specified in the physician supervisory plan approved 2759
for that physician or the policies of the health care facility in 2760
which the supervising physician and physician assistant are 2761
practicing under that physician's supervision. 2762~~

~~(2) The agreement shall clearly state that the supervising 2763
physician is legally responsible and assumes legal liability for 2764
the services provided by the physician assistant. The agreement 2765
shall be signed by the physician and the physician assistant. 2766~~

~~(3) The physician assistant shall hold a current certificate 2767
to practice as a physician assistant. 2768~~

~~(4) If a physician supervisory plan applies to the physician
assistant's practice, the physician shall hold an approved
physician supervisory plan.~~ 2769
2770
2771

~~(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.~~ 2772
2773
2774
2775

~~(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.~~ 2776
2777
2778

~~(B) The board shall review each application received. If the
board finds that the requirements specified in division (A) of
this section have been met and the applicant has paid the fee
specified in section 4730.18 of the Revised Code, the board shall
approve the supervision agreement and notify the supervising
physician of the board's approval. If physician-delegated
prescriptive authority will be granted to more than one physician
assistant under the supervision agreement, the board shall specify
in the notice that its approval is specific to each physician
assistant. The board shall provide notice of its approval of a
supervision agreement not later than thirty days after the board
receives a complete application for approval. A supervision
agreement shall include either or both of the following:~~ 2779
2780
2781
2782
2783
2784
2785
2786
2787
2788
2789
2790
2791

~~(1) If a physician assistant will practice within a health
care facility, the agreement shall include terms that require the
physician assistant to practice in accordance with the policies of
the health care facility.~~ 2792
2793
2794
2795

~~(2) If a physician assistant will practice outside a health
care facility, the agreement shall include terms that specify all
of the following:~~ 2796
2797
2798

~~(a) The responsibilities to be fulfilled by the physician in~~ 2799

<u>supervising the physician assistant;</u>	2800
<u>(b) The responsibilities to be fulfilled by the physician assistant when performing services under the physician's supervision;</u>	2801
	2802
	2803
<u>(c) Any limitations on the responsibilities to be fulfilled by the physician assistant;</u>	2804
	2805
<u>(d) The circumstances under which the physician assistant is required to refer a patient to the supervising physician;</u>	2806
	2807
<u>(e) If the supervising physician chooses to designate physicians to act as alternate supervising physicians, the names, business addresses, and business telephone numbers of the physicians who have agreed to act in that capacity.</u>	2808
	2809
	2810
	2811
(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.	2812
	2813
	2814
	2815
	2816
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)	2817
	2818
	2819
	2820
	2821
	2822
	2823
	2824
	2825
	2826
<u>The supervising physician shall submit a copy of each supervision agreement to the board. The board may review the supervision agreement at any time for compliance with this section and for verification of licensure of the supervising physician and the</u>	2827
	2828
	2829
	2830

physician assistant. All of the following apply to the submission 2831
and review process: 2832

(a) If the board reviews a supervision agreement, the board 2833
shall notify the supervising physician of any way that the 2834
agreement fails to comply with this section. 2835

(b) A supervision agreement becomes effective at the end of 2836
the fifth business day after the day the board receives the 2837
agreement unless the board notifies the supervising physician that 2838
the agreement fails to comply with this section. 2839

A supervision agreement expires two years after the day it 2840
takes effect. The agreement may be renewed by submitting a copy of 2841
it to the board. 2842

(c) If a physician receives a notice under division (C)(1)(a) 2843
of this section, the physician may revise the supervision 2844
agreement and resubmit the agreement to the board. The board may 2845
review the agreement as provided in division (C)(1) of this 2846
section. 2847

(d) Until July 1, 2015, each initial or renewed agreement 2848
submitted under division (C)(1) of this section shall be 2849
accompanied by a fee of twenty-five dollars. No fee is required 2850
for submitting a revised agreement under division (C)(1)(c) of 2851
this section or for submitting an amendment under division (C)(2) 2852
of this section. Fees shall be deposited in accordance with 2853
section 4731.24 of the Revised Code. 2854

(2) Before expiration, a supervision agreement may be amended 2855
by including one or more additional physician assistants. An 2856
amendment to a supervision agreement shall be submitted to the 2857
board for review in the manner provided for review of an initial 2858
agreement under division (C)(1) of this section. The amendment 2859
does not alter the agreement's expiration date. 2860

(D) A supervision agreement shall be kept in the records 2861

maintained by the supervising physician who entered into the 2862
agreement. 2863

(E) The board may impose a civil penalty of not more than one 2864
thousand dollars if it finds through a review conducted under this 2865
section or through any other means either of the following: 2866

(1) A physician assistant has practiced pursuant to a 2867
supervision agreement that fails to comply with this section; 2868

(2) That a physician has acted as the supervising physician 2869
of a physician assistant pursuant to a supervision agreement that 2870
fails to comply with this section. 2871

The board's finding shall be made pursuant to an adjudication 2872
conducted under Chapter 119. of the Revised Code. A civil penalty 2873
imposed under this division may be in addition to or in lieu of 2874
any other action the board may take under section 4730.25 of the 2875
Revised Code. 2876

Sec. 4730.20. (A) A physician assistant licensed under this 2877
chapter may perform any of the following services authorized by 2878
the supervising physician that are part of the supervising 2879
physician's normal course of practice and expertise: 2880

(1) Ordering diagnostic, therapeutic, and other medical 2881
services; 2882

(2) Prescribing physical therapy or referring a patient to a 2883
physical therapist for physical therapy; 2884

(3) Ordering occupational therapy or referring a patient to 2885
an occupational therapist for occupational therapy; 2886

(4) Taking any action that may be taken by an attending 2887
physician under sections 2133.21 to 2133.26 of the Revised Code, 2888
as specified in section 2133.211 of the Revised Code; 2889

(5) Determining and pronouncing death in accordance with 2890

<u>section 4730.202 of the Revised Code;</u>	2891
<u>(6) Assisting in surgery;</u>	2892
<u>(7) If the physician assistant holds a valid prescriber</u>	2893
<u>number issued by the state medical board and has been granted</u>	2894
<u>physician-delegated prescriptive authority, ordering, prescribing,</u>	2895
<u>personally furnishing, and administering drugs and medical</u>	2896
<u>devices;</u>	2897
<u>(8) Any other services that are part of the supervising</u>	2898
<u>physician's normal course of practice and expertise.</u>	2899
<u>(B) The services a physician assistant may provide under the</u>	2900
<u>policies of a health care facility are limited to the services the</u>	2901
<u>facility authorizes the physician assistant to provide for the</u>	2902
<u>facility. A facility shall not authorize a physician assistant to</u>	2903
<u>perform a service that is prohibited under this chapter. A</u>	2904
<u>physician who is supervising a physician assistant within a health</u>	2905
<u>care facility may impose limitations on the physician assistant's</u>	2906
<u>practice that are in addition to any limitations applicable under</u>	2907
<u>the policies of the facility.</u>	2908
Sec. 4730.091 4730.201. (A) As used in this section, "local	2909
anesthesia" means the injection of a drug or combination of drugs	2910
to stop or prevent a painful sensation in a circumscribed area of	2911
the body where a painful procedure is to be performed. "Local	2912
anesthesia" includes only local infiltration anesthesia, digital	2913
blocks, and pudendal blocks.	2914
(B) A physician assistant may administer, monitor, or	2915
maintain local anesthesia as a component of a procedure the	2916
physician assistant is performing or as a separate service when	2917
the procedure requiring local anesthesia is to be performed by the	2918
physician assistant's supervising physician or another person. A	2919
physician assistant shall not administer, monitor, or maintain any	2920

other form of anesthesia, including regional anesthesia or any 2921
systemic sedation, ~~regardless of whether the physician assistant~~ 2922
~~is practicing under a physician supervisory plan or the policies~~ 2923
~~of a health care facility.~~ 2924

Sec. ~~4730.092~~ 4730.202. (A) A physician assistant may 2925
determine and pronounce an individual's death, but only if the 2926
individual's respiratory and circulatory functions are not being 2927
artificially sustained and, at the time the determination and 2928
pronouncement of death is made, either or both of the following 2929
apply: 2930

(1) The individual was receiving care in one of the 2931
following: 2932

(a) A nursing home licensed under section 3721.02 of the 2933
Revised Code or by a political subdivision under section 3721.09 2934
of the Revised Code; 2935

(b) A residential care facility or home for the aging 2936
licensed under Chapter 3721. of the Revised Code; 2937

(c) A county home or district home operated pursuant to 2938
Chapter 5155. of the Revised Code; 2939

(d) A residential facility licensed under section 5123.19 of 2940
the Revised Code. 2941

(2) The physician assistant is providing or supervising the 2942
individual's care through a hospice care program licensed under 2943
Chapter 3712. of the Revised Code or any other entity that 2944
provides palliative care. 2945

(B) If a physician assistant determines and pronounces an 2946
individual's death, the physician assistant shall comply with both 2947
of the following: 2948

(1) The physician assistant shall not complete any portion of 2949
the individual's death certificate. 2950

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

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

(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.

(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. 2981
2982
2983
2984
2985

(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. 2986
2987
2988

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.~~ 2989
2990
2991
2992
2993

In supervising a physician assistant, all of the following apply: 2994
2995

(1) ~~Except when the on site supervision requirements specified in section 4730.45 of the Revised Code are applicable,~~ The supervising physician shall be continuously available for direct communication with the physician assistant by either of the following means: 2996
2997
2998
2999
3000

(a) Being physically present at the location where the physician assistant is practicing; 3001
3002

(b) Being readily available to the physician assistant through some means of telecommunication and being in a location that ~~under normal conditions is not more than sixty minutes travel time away~~ a distance from the location where the physician assistant is practicing that reasonably allows the physician to assure proper care of patients. 3003
3004
3005
3006
3007
3008

(2) The supervising physician shall personally and actively review the physician assistant's professional activities. 3009
3010

~~(3) The supervising physician shall regularly review the condition of the patients treated by the physician assistant.~~ 3011
3012

~~(4)~~ The supervising physician shall ensure that the quality assurance system established pursuant to division (F) of this section is implemented and maintained. 3013
3014
3015

~~(5)~~(4) The supervising physician shall regularly perform any other reviews of the physician assistant that the supervising physician considers necessary. 3016
3017
3018

(B) A physician may enter into supervision agreements with any number of physician assistants, but the physician may not supervise more than ~~two~~ three physician assistants at any one time. A physician assistant may enter into supervision agreements with any number of supervising physicians, ~~but when practicing under the supervision of a particular physician, the physician assistant's scope of practice is subject to the limitations of the physician supervisory plan that has been approved under section 4730.17 of the Revised Code for that physician or the policies of the health care facility in which the physician and physician assistant are practicing.~~ 3019
3020
3021
3022
3023
3024
3025
3026
3027
3028
3029

~~(C) A supervising physician may authorize a physician assistant to perform a service only if the service is authorized under the physician supervisory plan approved for that physician or the policies of the health care facility in which the physician and physician assistant are practicing.~~ A supervising physician may authorize a physician assistant to perform a service only if the physician is satisfied that the physician assistant is capable of competently performing the service. A supervising physician shall not authorize a physician assistant to perform any service that is beyond the physician's or the physician assistant's normal course of practice and expertise. 3030
3031
3032
3033
3034
3035
3036
3037
3038
3039
3040

~~(D)(1) A supervising physician may authorize a physician~~ 3041

~~assistant to practice in any setting within which the supervising
physician routinely practices.~~ 3042
3043

(2) In the case of a health care facility with an emergency 3044
department, if the supervising physician routinely practices in 3045
the facility's emergency department, the supervising physician 3046
shall provide on-site supervision of the physician assistant when 3047
the physician assistant practices in the emergency department. If 3048
the supervising physician does not routinely practice in the 3049
facility's emergency department, the supervising physician may, on 3050
occasion, send the physician assistant to the facility's emergency 3051
department to assess and manage a patient. In supervising the 3052
physician assistant's assessment and management of the patient, 3053
the supervising physician shall determine the appropriate level of 3054
supervision in compliance with the requirements of divisions (A) 3055
to (C) of this section, except that the supervising physician must 3056
be available to go to the emergency department to personally 3057
evaluate the patient and, at the request of an emergency 3058
department physician, the supervising physician shall go to the 3059
emergency department to personally evaluate the patient. 3060

(E) Each time a physician assistant writes a medical order, 3061
including prescriptions written in the exercise of 3062
physician-delegated prescriptive authority, the physician 3063
assistant shall sign the form on which the order is written and 3064
record on the form the time and date that the order is written. 3065
~~When writing a medical order, the physician assistant shall~~ 3066
~~clearly identify the physician under whose supervision the~~ 3067
~~physician assistant is authorized to write the order.~~ 3068

(F)(1) The supervising physician of a physician assistant 3069
shall establish a quality assurance system to be used in 3070
supervising the physician assistant. All or part of the system may 3071
be applied to other physician assistants who are supervised by the 3072
supervising physician. The system shall be developed in 3073

consultation with each physician assistant to be supervised by the 3074
physician. 3075

(2) In establishing the quality assurance system, the 3076
supervising physician shall describe a process to be used for all 3077
of the following: 3078

(a) Routine review by the physician of selected patient 3079
record entries made by the physician assistant and selected 3080
medical orders issued by the physician assistant; 3081

(b) Discussion of complex cases; 3082

(c) Discussion of new medical developments relevant to the 3083
practice of the physician and physician assistant; 3084

(d) Performance of any quality assurance activities required 3085
in rules adopted by state medical board pursuant to any 3086
recommendations made by the physician assistant policy committee 3087
under section 4730.06 of the Revised Code; 3088

(e) Performance of any other quality assurance activities 3089
that the supervising physician considers to be appropriate. 3090

(3) The supervising physician and physician assistant shall 3091
keep records of their quality assurance activities. On request, 3092
the records shall be made available to the board ~~and any health~~ 3093
~~care professional working with the supervising physician and~~ 3094
~~physician assistant.~~ 3095

Sec. 4730.22. (A) ~~A~~ When performing authorized services, a 3096
physician assistant acts as the agent of the physician assistant's 3097
supervising physician. The supervising physician is legally 3098
responsible and assumes legal liability for the services provided 3099
by the physician assistant. 3100

The physician is not responsible or liable for any services 3101
provided by the physician assistant after their supervision 3102
agreement expires or is terminated. 3103

(B) When a health care facility permits physician assistants 3104
to practice within that facility or any other health care facility 3105
under its control, the health care facility shall make reasonable 3106
efforts to explain to each individual who may work with a 3107
particular physician assistant the scope of that physician 3108
assistant's practice within the facility. The appropriate 3109
credentialing body within the health care facility shall provide, 3110
on request of an individual practicing in the facility with a 3111
physician assistant, a copy of the facility's policies on the 3112
practice of physician assistants within the facility and a copy of 3113
each ~~physician supervisory plan and~~ supervision agreement 3114
applicable to the physician assistant. 3115

An individual who follows the orders of a physician assistant 3116
practicing in a health care facility is not subject to 3117
disciplinary action by any administrative agency that governs that 3118
individual's conduct and is not liable in damages in a civil 3119
action for injury, death, or loss to person or property resulting 3120
from the individual's acts or omissions in the performance of any 3121
procedure, treatment, or other health care service if the 3122
individual reasonably believed that the physician assistant was 3123
acting within the proper scope of practice or was relaying medical 3124
orders from a supervising physician, unless the act or omission 3125
constitutes willful or wanton misconduct. 3126

Sec. 4730.25. (A) The state medical board, by an affirmative 3127
vote of not fewer than six members, may revoke or may refuse to 3128
grant a ~~certificate~~ license to practice as a physician assistant 3129
~~or a certificate to prescribe~~ to a person found by the board to 3130
have committed fraud, misrepresentation, or deception in applying 3131
for or securing the ~~certificate~~ license. 3132

(B) The board, by an affirmative vote of not fewer than six 3133
members, shall, to the extent permitted by law, limit, revoke, or 3134

suspend an individual's ~~certificate~~ license to practice as a 3135
physician assistant or ~~certificate to prescribe~~ prescriber number, 3136
refuse to issue a ~~certificate~~ license to an applicant, refuse to 3137
reinstate a ~~certificate~~ license, or reprimand or place on 3138
probation the holder of a ~~certificate~~ license for any of the 3139
following reasons: 3140

(1) Failure to practice in accordance with the ~~conditions~~ 3141
~~under which the~~ supervising physician's supervision agreement with 3142
the physician assistant ~~was approved, including the requirement~~ 3143
~~that when practicing under a particular supervising physician, the~~ 3144
~~physician assistant must practice only according to the physician~~ 3145
~~supervisory plan the board approved for that physician or,~~ 3146
including, if applicable, the policies of the health care facility 3147
in which the supervising physician and physician assistant are 3148
practicing; 3149

(2) Failure to comply with the requirements of this chapter, 3150
Chapter 4731. of the Revised Code, or any rules adopted by the 3151
board; 3152

(3) Violating or attempting to violate, directly or 3153
indirectly, or assisting in or abetting the violation of, or 3154
conspiring to violate, any provision of this chapter, Chapter 3155
4731. of the Revised Code, or the rules adopted by the board; 3156

(4) Inability to practice according to acceptable and 3157
prevailing standards of care by reason of mental illness or 3158
physical illness, including physical deterioration that adversely 3159
affects cognitive, motor, or perceptive skills; 3160

(5) Impairment of ability to practice according to acceptable 3161
and prevailing standards of care because of habitual or excessive 3162
use or abuse of drugs, alcohol, or other substances that impair 3163
ability to practice; 3164

(6) Administering drugs for purposes other than those 3165

authorized under this chapter;	3166
(7) Willfully betraying a professional confidence;	3167
(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.	3168 3169 3170 3171 3172 3173 3174 3175
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.	3176 3177 3178 3179 3180 3181 3182 3183
(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;	3184 3185 3186 3187
(10) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;	3188 3189 3190
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	3191 3192 3193
(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	3194 3195 3196

(13) A plea of guilty to, a judicial finding of guilt of, or	3197
a judicial finding of eligibility for intervention in lieu of	3198
conviction for, a misdemeanor committed in the course of practice;	3199
(14) A plea of guilty to, a judicial finding of guilt of, or	3200
a judicial finding of eligibility for intervention in lieu of	3201
conviction for, a misdemeanor involving moral turpitude;	3202
(15) Commission of an act in the course of practice that	3203
constitutes a misdemeanor in this state, regardless of the	3204
jurisdiction in which the act was committed;	3205
(16) Commission of an act involving moral turpitude that	3206
constitutes a misdemeanor in this state, regardless of the	3207
jurisdiction in which the act was committed;	3208
(17) A plea of guilty to, a judicial finding of guilt of, or	3209
a judicial finding of eligibility for intervention in lieu of	3210
conviction for violating any state or federal law regulating the	3211
possession, distribution, or use of any drug, including	3212
trafficking in drugs;	3213
(18) Any of the following actions taken by the state agency	3214
responsible for regulating the practice of physician assistants in	3215
another state, for any reason other than the nonpayment of fees:	3216
the limitation, revocation, or suspension of an individual's	3217
license to practice; acceptance of an individual's license	3218
surrender; denial of a license; refusal to renew or reinstate a	3219
license; imposition of probation; or issuance of an order of	3220
censure or other reprimand;	3221
(19) A departure from, or failure to conform to, minimal	3222
standards of care of similar physician assistants under the same	3223
or similar circumstances, regardless of whether actual injury to a	3224
patient is established;	3225
(20) Violation of the conditions placed by the board on a	3226
certificate <u>license</u> to practice as a physician assistant, a	3227

~~certificate to prescribe, a physician supervisory plan, or
supervision agreement;~~ 3228
3229

(21) Failure to use universal blood and body fluid 3230
precautions established by rules adopted under section 4731.051 of 3231
the Revised Code; 3232

(22) Failure to cooperate in an investigation conducted by 3233
the board under section 4730.26 of the Revised Code, including 3234
failure to comply with a subpoena or order issued by the board or 3235
failure to answer truthfully a question presented by the board at 3236
a deposition or in written interrogatories, except that failure to 3237
cooperate with an investigation shall not constitute grounds for 3238
discipline under this section if a court of competent jurisdiction 3239
has issued an order that either quashes a subpoena or permits the 3240
individual to withhold the testimony or evidence in issue; 3241

(23) Assisting suicide, as defined in section 3795.01 of the 3242
Revised Code; 3243

(24) Prescribing any drug or device to perform or induce an 3244
abortion, or otherwise performing or inducing an abortion; 3245

(25) Failure to comply with the requirements in section 3246
3719.061 of the Revised Code before issuing ~~to~~ for a minor a 3247
prescription for a controlled substance containing an opioid; 3248

(26) Having certification by the national commission on 3249
certification of physician assistants or a successor organization 3250
expire, lapse, or be suspended or revoked. 3251

(C) Disciplinary actions taken by the board under divisions 3252
(A) and (B) of this section shall be taken pursuant to an 3253
adjudication under Chapter 119. of the Revised Code, except that 3254
in lieu of an adjudication, the board may enter into a consent 3255
agreement with a physician assistant or applicant to resolve an 3256
allegation of a violation of this chapter or any rule adopted 3257
under it. A consent agreement, when ratified by an affirmative 3258

vote of not fewer than six members of the board, shall constitute 3259
the findings and order of the board with respect to the matter 3260
addressed in the agreement. If the board refuses to ratify a 3261
consent agreement, the admissions and findings contained in the 3262
consent agreement shall be of no force or effect. 3263

(D) For purposes of divisions (B)(12), (15), and (16) of this 3264
section, the commission of the act may be established by a finding 3265
by the board, pursuant to an adjudication under Chapter 119. of 3266
the Revised Code, that the applicant or ~~certificate~~ license holder 3267
committed the act in question. The board shall have no 3268
jurisdiction under these divisions in cases where the trial court 3269
renders a final judgment in the ~~certificate~~ license holder's favor 3270
and that judgment is based upon an adjudication on the merits. The 3271
board shall have jurisdiction under these divisions in cases where 3272
the trial court issues an order of dismissal upon technical or 3273
procedural grounds. 3274

(E) The sealing of conviction records by any court shall have 3275
no effect upon a prior board order entered under the provisions of 3276
this section or upon the board's jurisdiction to take action under 3277
the provisions of this section if, based upon a plea of guilty, a 3278
judicial finding of guilt, or a judicial finding of eligibility 3279
for intervention in lieu of conviction, the board issued a notice 3280
of opportunity for a hearing prior to the court's order to seal 3281
the records. The board shall not be required to seal, destroy, 3282
redact, or otherwise modify its records to reflect the court's 3283
sealing of conviction records. 3284

(F) For purposes of this division, any individual who holds a 3285
~~certificate~~ license issued under this chapter, or applies for a 3286
~~certificate~~ license issued under this chapter, shall be deemed to 3287
have given consent to submit to a mental or physical examination 3288
when directed to do so in writing by the board and to have waived 3289
all objections to the admissibility of testimony or examination 3290

reports that constitute a privileged communication. 3291

(1) In enforcing division (B)(4) of this section, the board, 3292
upon a showing of a possible violation, may compel any individual 3293
who holds a ~~certificate~~ license issued under this chapter or who 3294
has applied for a ~~certificate~~ license pursuant to this chapter to 3295
submit to a mental examination, physical examination, including an 3296
HIV test, or both a mental and physical examination. The expense 3297
of the examination is the responsibility of the individual 3298
compelled to be examined. Failure to submit to a mental or 3299
physical examination or consent to an HIV test ordered by the 3300
board constitutes an admission of the allegations against the 3301
individual unless the failure is due to circumstances beyond the 3302
individual's control, and a default and final order may be entered 3303
without the taking of testimony or presentation of evidence. If 3304
the board finds a physician assistant unable to practice because 3305
of the reasons set forth in division (B)(4) of this section, the 3306
board shall require the physician assistant to submit to care, 3307
counseling, or treatment by physicians approved or designated by 3308
the board, as a condition for an initial, continued, reinstated, 3309
or renewed ~~certificate~~ license. An individual affected under this 3310
division shall be afforded an opportunity to demonstrate to the 3311
board the ability to resume practicing in compliance with 3312
acceptable and prevailing standards of care. 3313

(2) For purposes of division (B)(5) of this section, if the 3314
board has reason to believe that any individual who holds a 3315
~~certificate~~ license issued under this chapter or any applicant for 3316
a ~~certificate~~ license suffers such impairment, the board may 3317
compel the individual to submit to a mental or physical 3318
examination, or both. The expense of the examination is the 3319
responsibility of the individual compelled to be examined. Any 3320
mental or physical examination required under this division shall 3321
be undertaken by a treatment provider or physician qualified to 3322

conduct such examination and chosen by the board. 3323

Failure to submit to a mental or physical examination ordered 3324
by the board constitutes an admission of the allegations against 3325
the individual unless the failure is due to circumstances beyond 3326
the individual's control, and a default and final order may be 3327
entered without the taking of testimony or presentation of 3328
evidence. If the board determines that the individual's ability to 3329
practice is impaired, the board shall suspend the individual's 3330
~~certificate~~ license or deny the individual's application and shall 3331
require the individual, as a condition for initial, continued, 3332
reinstated, or renewed ~~certification~~ licensure to practice or 3333
authority to prescribe, to submit to treatment. 3334

Before being eligible to apply for reinstatement of a 3335
~~certificate~~ license suspended under this division, the physician 3336
assistant shall demonstrate to the board the ability to resume 3337
practice or prescribing in compliance with acceptable and 3338
prevailing standards of care. The demonstration shall include the 3339
following: 3340

(a) Certification from a treatment provider approved under 3341
section 4731.25 of the Revised Code that the individual has 3342
successfully completed any required inpatient treatment; 3343

(b) Evidence of continuing full compliance with an aftercare 3344
contract or consent agreement; 3345

(c) Two written reports indicating that the individual's 3346
ability to practice has been assessed and that the individual has 3347
been found capable of practicing according to acceptable and 3348
prevailing standards of care. The reports shall be made by 3349
individuals or providers approved by the board for making such 3350
assessments and shall describe the basis for their determination. 3351

The board may reinstate a ~~certificate~~ license suspended under 3352
this division after such demonstration and after the individual 3353

has entered into a written consent agreement. 3354

When the impaired physician assistant resumes practice or 3355
prescribing, the board shall require continued monitoring of the 3356
physician assistant. The monitoring shall include compliance with 3357
the written consent agreement entered into before reinstatement or 3358
with conditions imposed by board order after a hearing, and, upon 3359
termination of the consent agreement, submission to the board for 3360
at least two years of annual written progress reports made under 3361
penalty of falsification stating whether the physician assistant 3362
has maintained sobriety. 3363

(G) If the secretary and supervising member determine that 3364
there is clear and convincing evidence that a physician assistant 3365
has violated division (B) of this section and that the 3366
individual's continued practice or prescribing presents a danger 3367
of immediate and serious harm to the public, they may recommend 3368
that the board suspend the individual's ~~certificate~~ license to 3369
practice or authority to prescribe without a prior hearing. 3370
Written allegations shall be prepared for consideration by the 3371
board. 3372

The board, upon review of those allegations and by an 3373
affirmative vote of not fewer than six of its members, excluding 3374
the secretary and supervising member, may suspend a ~~certificate~~ 3375
license without a prior hearing. A telephone conference call may 3376
be utilized for reviewing the allegations and taking the vote on 3377
the summary suspension. 3378

The board shall issue a written order of suspension by 3379
certified mail or in person in accordance with section 119.07 of 3380
the Revised Code. The order shall not be subject to suspension by 3381
the court during pendency of any appeal filed under section 119.12 3382
of the Revised Code. If the physician assistant requests an 3383
adjudicatory hearing by the board, the date set for the hearing 3384
shall be within fifteen days, but not earlier than seven days, 3385

after the physician assistant requests the hearing, unless 3386
otherwise agreed to by both the board and the ~~certificate~~ license 3387
holder. 3388

A summary suspension imposed under this division shall remain 3389
in effect, unless reversed on appeal, until a final adjudicative 3390
order issued by the board pursuant to this section and Chapter 3391
119. of the Revised Code becomes effective. The board shall issue 3392
its final adjudicative order within sixty days after completion of 3393
its hearing. Failure to issue the order within sixty days shall 3394
result in dissolution of the summary suspension order, but shall 3395
not invalidate any subsequent, final adjudicative order. 3396

(H) If the board takes action under division (B)(11), (13), 3397
or (14) of this section, and the judicial finding of guilt, guilty 3398
plea, or judicial finding of eligibility for intervention in lieu 3399
of conviction is overturned on appeal, upon exhaustion of the 3400
criminal appeal, a petition for reconsideration of the order may 3401
be filed with the board along with appropriate court documents. 3402
Upon receipt of a petition and supporting court documents, the 3403
board shall reinstate the ~~certificate~~ license to practice ~~or~~ 3404
~~prescribe~~. The board may then hold an adjudication under Chapter 3405
119. of the Revised Code to determine whether the individual 3406
committed the act in question. Notice of opportunity for hearing 3407
shall be given in accordance with Chapter 119. of the Revised 3408
Code. If the board finds, pursuant to an adjudication held under 3409
this division, that the individual committed the act, or if no 3410
hearing is requested, it may order any of the sanctions identified 3411
under division (B) of this section. 3412

(I) The ~~certificate~~ license to practice issued to a physician 3413
assistant and the physician assistant's practice in this state are 3414
automatically suspended as of the date the physician assistant 3415
pleads guilty to, is found by a judge or jury to be guilty of, or 3416
is subject to a judicial finding of eligibility for intervention 3417

in lieu of conviction in this state or treatment or intervention 3418
in lieu of conviction in another state for any of the following 3419
criminal offenses in this state or a substantially equivalent 3420
criminal offense in another jurisdiction: aggravated murder, 3421
murder, voluntary manslaughter, felonious assault, kidnapping, 3422
rape, sexual battery, gross sexual imposition, aggravated arson, 3423
aggravated robbery, or aggravated burglary. Continued practice 3424
after the suspension shall be considered practicing without a 3425
~~certificate~~ license. 3426

The board shall notify the individual subject to the 3427
suspension by certified mail or in person in accordance with 3428
section 119.07 of the Revised Code. If an individual whose 3429
~~certificate~~ license is suspended under this division fails to make 3430
a timely request for an adjudication under Chapter 119. of the 3431
Revised Code, the board shall enter a final order permanently 3432
revoking the individual's ~~certificate~~ license to practice. 3433

(J) In any instance in which the board is required by Chapter 3434
119. of the Revised Code to give notice of opportunity for hearing 3435
and the individual subject to the notice does not timely request a 3436
hearing in accordance with section 119.07 of the Revised Code, the 3437
board is not required to hold a hearing, but may adopt, by an 3438
affirmative vote of not fewer than six of its members, a final 3439
order that contains the board's findings. In that final order, the 3440
board may order any of the sanctions identified under division (A) 3441
or (B) of this section. 3442

(K) Any action taken by the board under division (B) of this 3443
section resulting in a suspension shall be accompanied by a 3444
written statement of the conditions under which the physician 3445
assistant's ~~certificate~~ license may be reinstated. The board shall 3446
adopt rules in accordance with Chapter 119. of the Revised Code 3447
governing conditions to be imposed for reinstatement. 3448
Reinstatement of a ~~certificate~~ license suspended pursuant to 3449

division (B) of this section requires an affirmative vote of not 3450
fewer than six members of the board. 3451

(L) When the board refuses to grant to an applicant a 3452
~~certificate~~ license to practice as a physician assistant ~~or a~~ 3453
~~certificate to prescribe~~, revokes an individual's ~~certificate~~ 3454
license, refuses to issue a ~~certificate~~ license, or refuses to 3455
reinstate an individual's ~~certificate~~ license, the board may 3456
specify that its action is permanent. An individual subject to a 3457
permanent action taken by the board is forever thereafter 3458
ineligible to hold the ~~certificate~~ license and the board shall not 3459
accept an application for reinstatement of the ~~certificate~~ license 3460
or for issuance of a new ~~certificate~~ license. 3461

(M) Notwithstanding any other provision of the Revised Code, 3462
all of the following apply: 3463

(1) The surrender of a ~~certificate~~ license issued under this 3464
chapter is not effective unless or until accepted by the board. 3465
Reinstatement of a ~~certificate~~ license surrendered to the board 3466
requires an affirmative vote of not fewer than six members of the 3467
board. 3468

(2) An application made under this chapter for a ~~certificate,~~ 3469
~~approval of a physician supervisory plan, or approval of a~~ 3470
~~supervision agreement~~ license may not be withdrawn without 3471
approval of the board. 3472

(3) Failure by an individual to renew a ~~certificate~~ license 3473
in accordance with section 4730.14 ~~or section 4730.48~~ of the 3474
Revised Code shall not remove or limit the board's jurisdiction to 3475
take disciplinary action under this section against the 3476
individual. 3477

Sec. 4730.251. On receipt of a notice pursuant to section 3478
3123.43 of the Revised Code, the state medical board shall comply 3479

with sections 3123.41 to 3123.50 of the Revised Code and any 3480
applicable rules adopted under section 3123.63 of the Revised Code 3481
with respect to a ~~certificate~~ license to practice as a physician 3482
assistant issued pursuant to this chapter. 3483

Sec. 4730.27. If the state medical board has reason to 3484
believe that any person who has been granted a ~~certificate~~ license 3485
under this chapter to practice as a physician assistant is 3486
mentally ill or mentally incompetent, it may file in the probate 3487
court of the county in which such person has a legal residence an 3488
affidavit in the form prescribed in section 5122.11 of the Revised 3489
Code and signed by the board secretary or a member of the 3490
secretary's staff, whereupon the same proceedings shall be had as 3491
provided in Chapter 5122. of the Revised Code. The attorney 3492
general may represent the board in any proceeding commenced under 3493
this section. 3494

If a physician assistant is adjudged by a probate court to be 3495
mentally ill or mentally incompetent, the individual's ~~certificate~~ 3496
license shall be automatically suspended until the individual has 3497
filed with the board a certified copy of an adjudication by a 3498
probate court of being restored to competency or has submitted to 3499
the board proof, satisfactory to the board, of having been 3500
discharged as being restored to competency in the manner and form 3501
provided in section 5122.38 of the Revised Code. The judge of the 3502
court shall immediately notify the board of an adjudication of 3503
incompetence and note any suspension of a ~~certificate~~ license in 3504
the margin of the court's record of the ~~certificate~~ license. 3505

Sec. 4730.28. (A) An individual whose ~~certificate~~ license to 3506
practice as a physician assistant issued under this chapter has 3507
been suspended or is in an inactive state for any cause for more 3508
than two years may apply to the state medical board to have the 3509

~~certificate~~ license restored. 3510

(B)(1) The board shall not restore a ~~certificate~~ license 3511
under this section unless the applicant complies with sections 3512
4776.01 to 4776.04 of the Revised Code. The board shall determine 3513
the applicant's present fitness to resume practice. The board 3514
shall consider the moral background and the activities of the 3515
applicant during the period of suspension or inactivity. 3516

(2) When restoring a ~~certificate~~ license, the board may 3517
impose terms and conditions, including the following: 3518

(a) Requiring the applicant to obtain additional training and 3519
pass an examination upon completion of the training; 3520

(b) Restricting or limiting the extent, scope, or type of 3521
practice as a physician assistant that the individual may resume. 3522

Sec. 4730.31. (A) As used in this section, "prosecutor" has 3523
the same meaning as in section 2935.01 of the Revised Code. 3524

(B) Whenever any person holding a valid ~~certificate~~ license 3525
to practice as a physician assistant issued pursuant to this 3526
chapter pleads guilty to, is subject to a judicial finding of 3527
guilt of, or is subject to a judicial finding of eligibility for 3528
intervention in lieu of conviction for a violation of Chapter 3529
2907., 2925., or 3719. of the Revised Code or of any substantively 3530
comparable ordinance of a municipal corporation in connection with 3531
practicing as a physician assistant, the prosecutor in the case 3532
shall, on forms prescribed and provided by the state medical 3533
board, promptly notify the board of the conviction. Within thirty 3534
days of receipt of such information, the board shall initiate 3535
action in accordance with Chapter 119. of the Revised Code to 3536
determine whether to suspend or revoke the ~~certificate~~ license 3537
under section 4730.25 of the Revised Code. 3538

(C) The prosecutor in any case against any person holding a 3539

valid ~~certificate~~ license issued pursuant to this chapter shall, 3540
on forms prescribed and provided by the state medical board, 3541
notify the board of any of the following: 3542

(1) A plea of guilty to, a judicial finding of guilt of, or 3543
judicial finding of eligibility for intervention in lieu of 3544
conviction for a felony, or a case where the trial court issues an 3545
order of dismissal upon technical or procedural grounds of a 3546
felony charge; 3547

(2) A plea of guilty to, a judicial finding of guilt of, or 3548
judicial finding or eligibility for intervention in lieu of 3549
conviction for a misdemeanor committed in the course of practice, 3550
or a case where the trial court issues an order of dismissal upon 3551
technical or procedural grounds of a charge of a misdemeanor, if 3552
the alleged act was committed in the course of practice; 3553

(3) A plea of guilty to, a judicial finding of guilt of, or 3554
judicial finding of eligibility for intervention in lieu of 3555
conviction for a misdemeanor involving moral turpitude, or a case 3556
where the trial court issues an order of dismissal upon technical 3557
or procedural grounds of a charge of a misdemeanor involving moral 3558
turpitude. 3559

The report shall include the name and address of the 3560
~~certificate~~ license holder, the nature of the offense for which 3561
the action was taken, and the certified court documents recording 3562
the action. 3563

Sec. 4730.32. (A) Within sixty days after the imposition of 3564
any formal disciplinary action taken by a health care facility 3565
against any individual holding a valid ~~certificate~~ license to 3566
practice as a physician assistant issued under this chapter, the 3567
chief administrator or executive officer of the facility shall 3568
report to the state medical board the name of the individual, the 3569
action taken by the facility, and a summary of the underlying 3570

facts leading to the action taken. Upon request, the board shall 3571
be provided certified copies of the patient records that were the 3572
basis for the facility's action. Prior to release to the board, 3573
the summary shall be approved by the peer review committee that 3574
reviewed the case or by the governing board of the facility. 3575

The filing of a report with the board or decision not to file 3576
a report, investigation by the board, or any disciplinary action 3577
taken by the board, does not preclude a health care facility from 3578
taking disciplinary action against a physician assistant. 3579

In the absence of fraud or bad faith, no individual or entity 3580
that provides patient records to the board shall be liable in 3581
damages to any person as a result of providing the records. 3582

(B) A physician assistant, professional association or 3583
society of physician assistants, physician, or professional 3584
association or society of physicians that believes a violation of 3585
any provision of this chapter, Chapter 4731. of the Revised Code, 3586
or rule of the board has occurred shall report to the board the 3587
information upon which the belief is based. This division does not 3588
require any treatment provider approved by the board under section 3589
4731.25 of the Revised Code or any employee, agent, or 3590
representative of such a provider to make reports with respect to 3591
a physician assistant participating in treatment or aftercare for 3592
substance abuse as long as the physician assistant maintains 3593
participation in accordance with the requirements of section 3594
4731.25 of the Revised Code and the treatment provider or 3595
employee, agent, or representative of the provider has no reason 3596
to believe that the physician assistant has violated any provision 3597
of this chapter or rule adopted under it, other than being 3598
impaired by alcohol, drugs, or other substances. This division 3599
does not require reporting by any member of an impaired 3600
practitioner committee established by a health care facility or by 3601
any representative or agent of a committee or program sponsored by 3602

a professional association or society of physician assistants to 3603
provide peer assistance to physician assistants with substance 3604
abuse problems with respect to a physician assistant who has been 3605
referred for examination to a treatment program approved by the 3606
board under section 4731.25 of the Revised Code if the physician 3607
assistant cooperates with the referral for examination and with 3608
any determination that the physician assistant should enter 3609
treatment and as long as the committee member, representative, or 3610
agent has no reason to believe that the physician assistant has 3611
ceased to participate in the treatment program in accordance with 3612
section 4731.25 of the Revised Code or has violated any provision 3613
of this chapter or rule adopted under it, other than being 3614
impaired by alcohol, drugs, or other substances. 3615

(C) Any professional association or society composed 3616
primarily of physician assistants that suspends or revokes an 3617
individual's membership for violations of professional ethics, or 3618
for reasons of professional incompetence or professional 3619
malpractice, within sixty days after a final decision, shall 3620
report to the board, on forms prescribed and provided by the 3621
board, the name of the individual, the action taken by the 3622
professional organization, and a summary of the underlying facts 3623
leading to the action taken. 3624

The filing or nonfiling of a report with the board, 3625
investigation by the board, or any disciplinary action taken by 3626
the board, shall not preclude a professional organization from 3627
taking disciplinary action against a physician assistant. 3628

(D) Any insurer providing professional liability insurance to 3629
any person holding a valid ~~certificate~~ license to practice as a 3630
physician assistant issued under this chapter or any other entity 3631
that seeks to indemnify the professional liability of a physician 3632
assistant shall notify the board within thirty days after the 3633
final disposition of any written claim for damages where such 3634

disposition results in a payment exceeding twenty-five thousand 3635
dollars. The notice shall contain the following information: 3636

(1) The name and address of the person submitting the 3637
notification; 3638

(2) The name and address of the insured who is the subject of 3639
the claim; 3640

(3) The name of the person filing the written claim; 3641

(4) The date of final disposition; 3642

(5) If applicable, the identity of the court in which the 3643
final disposition of the claim took place. 3644

(E) The board may investigate possible violations of this 3645
chapter or the rules adopted under it that are brought to its 3646
attention as a result of the reporting requirements of this 3647
section, except that the board shall conduct an investigation if a 3648
possible violation involves repeated malpractice. As used in this 3649
division, "repeated malpractice" means three or more claims for 3650
malpractice within the previous five-year period, each resulting 3651
in a judgment or settlement in excess of twenty-five thousand 3652
dollars in favor of the claimant, and each involving negligent 3653
conduct by the physician assistant. 3654

(F) All summaries, reports, and records received and 3655
maintained by the board pursuant to this section shall be held in 3656
confidence and shall not be subject to discovery or introduction 3657
in evidence in any federal or state civil action involving a 3658
physician assistant, supervising physician, or health care 3659
facility arising out of matters that are the subject of the 3660
reporting required by this section. The board may use the 3661
information obtained only as the basis for an investigation, as 3662
evidence in a disciplinary hearing against a physician assistant 3663
or supervising physician, or in any subsequent trial or appeal of 3664
a board action or order. 3665

The board may disclose the summaries and reports it receives 3666
under this section only to health care facility committees within 3667
or outside this state that are involved in credentialing or 3668
recredentialing a physician assistant or supervising physician or 3669
reviewing their privilege to practice within a particular 3670
facility. The board shall indicate whether or not the information 3671
has been verified. Information transmitted by the board shall be 3672
subject to the same confidentiality provisions as when maintained 3673
by the board. 3674

(G) Except for reports filed by an individual pursuant to 3675
division (B) of this section, the board shall send a copy of any 3676
reports or summaries it receives pursuant to this section to the 3677
physician assistant. The physician assistant shall have the right 3678
to file a statement with the board concerning the correctness or 3679
relevance of the information. The statement shall at all times 3680
accompany that part of the record in contention. 3681

(H) An individual or entity that reports to the board or 3682
refers an impaired physician assistant to a treatment provider 3683
approved by the board under section 4731.25 of the Revised Code 3684
shall not be subject to suit for civil damages as a result of the 3685
report, referral, or provision of the information. 3686

(I) In the absence of fraud or bad faith, a professional 3687
association or society of physician assistants that sponsors a 3688
committee or program to provide peer assistance to a physician 3689
assistant with substance abuse problems, a representative or agent 3690
of such a committee or program, and a member of the state medical 3691
board shall not be held liable in damages to any person by reason 3692
of actions taken to refer a physician assistant to a treatment 3693
provider approved under section 4731.25 of the Revised Code for 3694
examination or treatment. 3695

Sec. 4730.33. The secretary of the state medical board shall 3696

enforce the laws relating to the practice of physician assistants. 3697
If the secretary has knowledge or notice of a violation of this 3698
chapter or the rules adopted under it, the secretary shall 3699
investigate the matter, and, upon probable cause appearing, file a 3700
complaint and prosecute the offender. When requested by the 3701
secretary, the prosecuting attorney of the proper county shall 3702
take charge of and conduct such prosecution. 3703

In the prosecution of any person for violation of division 3704
(A) of section 4730.02 of the Revised Code it shall not be 3705
necessary to allege or prove want of a valid ~~certificate~~ license 3706
to practice as a physician assistant, but such matters shall be a 3707
matter of defense to be established by the accused. 3708

Sec. 4730.38. (A) Except as provided in division (B) of this 3709
section, the physician assistant policy committee of the state 3710
medical board shall, at such times the committee determines to be 3711
necessary, submit to the board recommendations regarding 3712
physician-delegated prescriptive authority for physician 3713
assistants. The committee's recommendations shall address both of 3714
the following: 3715

(1) Policy and procedures regarding physician-delegated 3716
prescriptive authority, ~~including the issuance of certificates to~~ 3717
~~prescribe under this chapter;~~ 3718

(2) Any issue the committee considers necessary to assist the 3719
board in fulfilling its duty to adopt rules governing 3720
physician-delegated prescriptive authority, ~~including the issuance~~ 3721
~~of certificates to prescribe.~~ 3722

(B) Not less than every six months beginning on the first day 3723
of June following ~~the effective date of this amendment~~ March 22, 3724
2013, the committee shall review the physician assistant formulary 3725
the board adopts pursuant to division (A)(1) of section 4730.39 of 3726
the Revised Code and, to the extent it determines to be necessary, 3727

submit recommendations proposing changes to the formulary. 3728

(C) Recommendations submitted under this section are subject 3729
to the procedures and time frames specified in division (C) of 3730
section 4730.06 of the Revised Code. 3731

Sec. 4730.39. (A) The state medical board shall do ~~both~~ all 3732
of the following: 3733

(1) Adopt a formulary listing the drugs and therapeutic 3734
devices by class and specific generic nomenclature that a 3735
physician may include in the physician-delegated prescriptive 3736
authority granted to a physician assistant who holds a ~~certificate~~ 3737
~~to prescribe under this chapter~~ valid prescriber number issued by 3738
the state medical board; 3739

(2) Adopt rules governing physician-delegated prescriptive 3740
authority for physician assistants, ~~including the issuance of~~ 3741
~~certificates to prescribe under this chapter;~~ 3742

(3) Establish standards and procedures for delegation under 3743
division (A) of section 4730.203 of the Revised Code of the 3744
authority to administer drugs. 3745

(B) The board's rules governing physician-delegated 3746
prescriptive authority adopted pursuant to division (A)(2) of this 3747
section shall be adopted in accordance with Chapter 119. of the 3748
Revised Code and shall establish all of the following: 3749

(1) Requirements regarding the pharmacology courses that a 3750
physician assistant is required to complete ~~to receive a~~ 3751
~~certificate to prescribe;~~ 3752

(2) ~~Standards and procedures for the issuance and renewal of~~ 3753
~~certificates to prescribe to physician assistants;~~ 3754

~~(3) Standards and procedures for the appropriate conduct of~~ 3755
~~the provisional period that a physician assistant is required to~~ 3756
~~complete pursuant to section 4730.45 of the Revised Code and for~~ 3757

~~determining whether a physician assistant has successfully
completed the provisional period;~~ 3758
3759

~~(4)~~ A specific prohibition against prescribing any drug or 3760
device to perform or induce an abortion; 3761

~~(5)~~(3) Standards and procedures to be followed by a physician 3762
assistant in personally furnishing samples of drugs or complete or 3763
partial supplies of drugs to patients under section 4730.43 of the 3764
Revised Code; 3765

~~(6)~~(4) Any other requirements the board considers necessary 3766
to implement the provisions of this chapter regarding 3767
physician-delegated prescriptive authority ~~and the issuance of~~ 3768
~~certificates to prescribe.~~ 3769

(C)(1) After considering recommendations submitted by the 3770
physician assistant policy committee pursuant to sections 4730.06 3771
and 4730.38 of the Revised Code, the board shall review either or 3772
both of the following, as appropriate according to the submitted 3773
recommendations: 3774

(a) The formulary the board adopts under division (A)(1) of 3775
this section; 3776

(b) The rules the board adopts under division (A)(2) of this 3777
section regarding physician-delegated prescriptive authority. 3778

(2) Based on its review, the board shall make any necessary 3779
modifications to the formulary or rules. 3780

Sec. 4730.41. (A) ~~A certificate to prescribe issued under~~ 3781
~~this chapter authorizes a~~ physician assistant who holds a valid 3782
prescriber number issued by the state medical board is authorized 3783
to prescribe and personally furnish drugs and therapeutic devices 3784
in the exercise of physician-delegated prescriptive authority. 3785

(B) In exercising physician-delegated prescriptive authority, 3786
a physician assistant is subject to all of the following: 3787

(1) The physician assistant shall exercise 3788
physician-delegated prescriptive authority only to the extent that 3789
the physician supervising the physician assistant has granted that 3790
authority. 3791

(2) The physician assistant shall comply with all conditions 3792
placed on the physician-delegated prescriptive authority, as 3793
specified by the supervising physician who is supervising the 3794
physician assistant in the exercise of physician-delegated 3795
prescriptive authority. 3796

(3) If the physician assistant possesses physician-delegated 3797
prescriptive authority for controlled substances, the physician 3798
assistant shall register with the federal drug enforcement 3799
administration. 3800

(4) If the physician assistant possesses physician-delegated 3801
prescriptive authority for schedule II controlled substances, the 3802
physician assistant shall comply with section 4730.411 of the 3803
Revised Code. 3804

(5) If the physician assistant possesses physician-delegated 3805
prescriptive authority to prescribe for a minor, as defined in 3806
section 3719.061 of the Revised Code, a compound that is a 3807
controlled substance containing an opioid, the physician assistant 3808
shall comply with section 3719.061 of the Revised Code. 3809

Sec. 4730.42. (A) In granting physician-delegated 3810
prescriptive authority to a particular physician assistant who 3811
holds a ~~certificate to prescribe~~ valid prescriber number issued 3812
~~under this chapter by the state medical board~~, the supervising 3813
physician is subject to all of the following: 3814

(1) The supervising physician shall not grant 3815
physician-delegated prescriptive authority for any drug or 3816
therapeutic device that is not listed on the physician assistant 3817

formulary adopted under section 4730.39 of the Revised Code as a 3818
drug or therapeutic device that may be included in the 3819
physician-delegated prescriptive authority granted to a physician 3820
assistant. 3821

(2) The supervising physician shall not grant 3822
physician-delegated prescriptive authority for any drug or device 3823
that may be used to perform or induce an abortion. 3824

(3) The supervising physician shall not grant 3825
physician-delegated prescriptive authority in a manner that 3826
exceeds the supervising physician's prescriptive authority, 3827
including the physician's authority to treat chronic pain with 3828
controlled substances and products containing tramadol as 3829
described in section 4731.052 of the Revised Code. 3830

(4) The supervising physician shall supervise the physician 3831
assistant in accordance with ~~all~~ both of the following: 3832

(a) The supervision requirements specified in section 4730.21 3833
of the Revised Code ~~and, in the case of supervision provided~~ 3834
~~during a provisional period of physician delegated prescriptive~~ 3835
~~authority, the supervision requirements specified in section~~ 3836
~~4730.45 of the Revised Code;~~ 3837

(b) The ~~physician supervisory plan approved for the~~ 3838
~~supervising physician or~~ supervision agreement entered into with 3839
the physician assistant under section 4730.19 of the Revised Code, 3840
including, if applicable, the policies of the health care facility 3841
in which the physician and physician assistant are practicing; 3842

~~(c) The supervision agreement approved under section 4730.19~~ 3843
~~of the Revised Code that applies to the supervising physician and~~ 3844
~~the physician assistant.~~ 3845

(B)(1) The supervising physician of a physician assistant may 3846
place conditions on the physician-delegated prescriptive authority 3847
granted to the physician assistant. If conditions are placed on 3848

that authority, the supervising physician shall maintain a written 3849
record of the conditions and make the record available to the 3850
state medical board on request. 3851

(2) The conditions that a supervising physician may place on 3852
the physician-delegated prescriptive authority granted to a 3853
physician assistant include the following: 3854

(a) Identification by class and specific generic nomenclature 3855
of drugs and therapeutic devices that the physician chooses not to 3856
permit the physician assistant to prescribe; 3857

(b) Limitations on the dosage units or refills that the 3858
physician assistant is authorized to prescribe; 3859

(c) Specification of circumstances under which the physician 3860
assistant is required to refer patients to the supervising 3861
physician or another physician when exercising physician-delegated 3862
prescriptive authority; 3863

(d) Responsibilities to be fulfilled by the physician in 3864
supervising the physician assistant that are not otherwise 3865
specified in the ~~physician supervisory plan~~ supervision agreement 3866
or otherwise required by this chapter. 3867

Sec. 4730.43. (A) A physician assistant who holds a 3868
~~certificate to prescribe~~ valid prescriber number issued ~~under this~~ 3869
~~chapter by the state medical board~~ and has been granted 3870
physician-delegated prescriptive authority ~~by a supervising~~ 3871
~~physician~~ may personally furnish to a patient samples of drugs and 3872
therapeutic devices that are included in the physician assistant's 3873
physician-delegated prescriptive authority, subject to all of the 3874
following: 3875

(1) The amount of the sample furnished shall not exceed a 3876
seventy-two-hour supply, except when the minimum available 3877
quantity of the sample is packaged in an amount that is greater 3878

than a seventy-two-hour supply, in which case the physician 3879
assistant may furnish the sample in the package amount. 3880

(2) No charge may be imposed for the sample or for furnishing 3881
it. 3882

(3) Samples of controlled substances may not be personally 3883
furnished. 3884

(B) A physician assistant who holds a ~~certificate to~~ 3885
~~prescribe~~ valid prescriber number issued ~~under this chapter~~ by the 3886
board and has been granted physician-delegated prescriptive 3887
authority ~~by a supervising physician~~ may personally furnish to a 3888
patient a complete or partial supply of the drugs and therapeutic 3889
devices that are included in the physician assistant's 3890
physician-delegated prescriptive authority, subject to all of the 3891
following: 3892

(1) The physician assistant shall personally furnish only 3893
antibiotics, antifungals, scabicides, contraceptives, prenatal 3894
vitamins, antihypertensives, drugs and devices used in the 3895
treatment of diabetes, drugs and devices used in the treatment of 3896
asthma, and drugs used in the treatment of dyslipidemia. 3897

(2) The physician assistant shall not furnish the drugs and 3898
devices in locations other than a health department operated by 3899
the board of health of a city or general health district or the 3900
authority having the duties of a board of health under section 3901
3709.05 of the Revised Code, a federally funded comprehensive 3902
primary care clinic, or a nonprofit health care clinic or program. 3903

(3) The physician assistant shall comply with all standards 3904
and procedures for personally furnishing supplies of drugs and 3905
devices, as established in rules adopted under section 4730.39 of 3906
the Revised Code. 3907

Sec. 4730.431. (A) Notwithstanding any provision of this 3908

chapter or rule adopted by the state medical board, a physician 3909
assistant who holds a ~~certificate to prescribe~~ valid prescriber 3910
number issued ~~under this chapter~~ by the board may personally 3911
furnish a supply of naloxone, or issue a prescription for 3912
naloxone, without having examined the individual to whom it may be 3913
administered if all of the following conditions are met: 3914

(1) The naloxone supply is furnished to, or the prescription 3915
is issued to and in the name of, a family member, friend, or other 3916
individual in a position to assist an individual who there is 3917
reason to believe is at risk of experiencing an opioid-related 3918
overdose. 3919

(2) The physician assistant instructs the individual 3920
receiving the naloxone supply or prescription to summon emergency 3921
services either immediately before or immediately after 3922
administering naloxone to an individual apparently experiencing an 3923
opioid-related overdose. 3924

(3) The naloxone is personally furnished or prescribed in 3925
such a manner that it may be administered by only either of the 3926
following routes: 3927

(a) Using a device manufactured for the intranasal 3928
administration of liquid drugs; 3929

(b) Using an autoinjector in a manufactured dosage form. 3930

(B) A physician assistant who under division (A) of this 3931
section in good faith furnishes a supply of naloxone or issues a 3932
prescription for naloxone is not liable for or subject to any of 3933
the following for any action or omission of the individual to whom 3934
the naloxone is furnished or the prescription is issued: damages 3935
in any civil action, prosecution in any criminal proceeding, or 3936
professional disciplinary action. 3937

Sec. 4730.49. (A) To be eligible for renewal of a ~~certificate~~ 3938

to prescribe license to practice as a physician assistant, an 3939
applicant who has been granted physician-delegated prescriptive 3940
authority is subject to both of the following: 3941

(1) The applicant shall complete every two years at least 3942
twelve hours of continuing education in pharmacology from an 3943
accredited institution recognized by the state medical board. 3944
Except as provided in division (B) of this section and in section 3945
5903.12 of the Revised Code, the continuing education shall be 3946
completed not later than the thirty-first day of January of each 3947
even-numbered year. 3948

(2)(a) Except as provided in division (A)(2)(b) of this 3949
section, in the case of an applicant who prescribes opioid 3950
analgesics or benzodiazepines, the applicant shall certify to the 3951
board whether the applicant has been granted access to the drug 3952
database established and maintained by the state board of pharmacy 3953
pursuant to section 4729.75 of the Revised Code. 3954

(b) The requirement in division (A)(2)(a) of this section 3955
does not apply if either of the following is the case: 3956

(i) The state board of pharmacy notifies the state medical 3957
board pursuant to section 4729.861 of the Revised Code that the 3958
applicant has been restricted from obtaining further information 3959
from the drug database. 3960

(ii) The state board of pharmacy no longer maintains the drug 3961
database. 3962

(c) If an applicant certifies to the state medical board that 3963
the applicant has been granted access to the drug database and the 3964
board finds through an audit or other means that the applicant has 3965
not been granted access, the board may take action under section 3966
4730.25 of the Revised Code. 3967

(B) The state medical board shall provide for pro rata 3968

reductions by month of the number of hours of continuing education 3969
in pharmacology that is required to be completed for physician 3970
assistants who are in their first ~~certification~~ licensure period 3971
after completing the ~~provisional~~ period of supervision required 3972
under section ~~4730.45~~ 4730.12 of the Revised Code, who have been 3973
disabled due to illness or accident, or who have been absent from 3974
the country. The board shall adopt rules, in accordance with 3975
Chapter 119. of the Revised Code, as necessary to implement this 3976
division. 3977

(C) The continuing education required by this section is in 3978
addition to the continuing education required under section 3979
4730.14 of the Revised Code. 3980

Sec. 4730.51. In the information the board maintains on ~~the~~ 3981
its internet web site, the state medical board shall include the 3982
following: 3983

(A) The name of each physician assistant who holds a 3984
~~certificate to prescribe~~ license under this chapter; 3985

(B) For each physician assistant who holds a ~~certificate to~~ 3986
~~prescribe~~ valid prescriber number issued by the state medical 3987
board, the name of each supervising physician who has authority to 3988
grant physician-delegated prescriptive authority to the physician 3989
assistant. 3990

Sec. 4730.53. (A) As used in this section, "drug database" 3991
means the database established and maintained by the state board 3992
of pharmacy pursuant to section 4729.75 of the Revised Code. 3993

(B) The state medical board shall adopt rules in accordance 3994
with Chapter 119. of the Revised Code that establish standards and 3995
procedures to be followed by a physician assistant ~~who holds a~~ 3996
~~certificate to prescribe issued~~ licensed under this chapter who 3997
has been granted physician-delegated prescriptive authority 3998

regarding the review of patient information available through the 3999
drug database under division (A)(5) of section 4729.80 of the 4000
Revised Code. 4001

(C) This section and the rules adopted under it do not apply 4002
if the state board of pharmacy no longer maintains the drug 4003
database. 4004

Sec. 4731.07. (A) The state medical board shall keep a record 4005
of its proceedings. The minutes of a meeting of the board shall, 4006
on approval by the board, constitute an official record of its 4007
proceedings. 4008

(B) The board shall keep a register of applicants for 4009
certificates of registration and certificates to practice issued 4010
under this chapter and Chapters ~~4730.~~, 4760., 4762., and 4774. of 4011
the Revised Code and licenses issued under ~~Chapter~~ Chapters 4730. 4012
and 4778. of the Revised Code. The register shall show the name of 4013
the applicant and whether the applicant was granted or refused a 4014
certificate or license. With respect to applicants to practice 4015
medicine and surgery or osteopathic medicine and surgery, the 4016
register shall show the name of the institution that granted the 4017
applicant the degree of doctor of medicine or osteopathic 4018
medicine. The books and records of the board shall be prima-facie 4019
evidence of matters therein contained. 4020

Sec. 4761.01. As used in this chapter: 4021

(A) "Respiratory care" means rendering or offering to render 4022
to individuals, groups, organizations, or the public any service 4023
involving the evaluation of cardiopulmonary function, the 4024
treatment of cardiopulmonary impairment, the assessment of 4025
treatment effectiveness, and the care of patients with 4026
deficiencies and abnormalities associated with the cardiopulmonary 4027
system. The practice of respiratory care includes: 4028

(1) Obtaining, analyzing, testing, measuring, and monitoring 4029
blood and gas samples in the determination of cardiopulmonary 4030
parameters and related physiologic data, including flows, 4031
pressures, and volumes, and the use of equipment employed for this 4032
purpose; 4033

(2) Administering, monitoring, recording the results of, and 4034
instructing in the use of medical gases, aerosols, and 4035
bronchopulmonary hygiene techniques, including drainage, 4036
aspiration, and sampling, and applying, maintaining, and 4037
instructing in the use of artificial airways, ventilators, and 4038
other life support equipment employed in the treatment of 4039
cardiopulmonary impairment and provided in collaboration with 4040
other licensed health care professionals responsible for providing 4041
care; 4042

(3) Performing cardiopulmonary resuscitation and respiratory 4043
rehabilitation techniques; 4044

(4) Administering medications for the testing or treatment of 4045
cardiopulmonary impairment. 4046

(B) "Respiratory care professional" means a person who is 4047
licensed under this chapter to practice the full range of 4048
respiratory care services as defined in division (A) of this 4049
section. 4050

(C) "Physician" means an individual authorized under Chapter 4051
4731. of the Revised Code to practice medicine and surgery or 4052
osteopathic medicine and surgery. 4053

(D) "Registered nurse" means an individual licensed under 4054
Chapter 4723. of the Revised Code to engage in the practice of 4055
nursing as a registered nurse. 4056

(E) "Hospital" means a facility that meets the operating 4057
standards of section 3727.02 of the Revised Code. 4058

(F) "Nursing facility" has the same meaning as in section 4059
5165.01 of the Revised Code. 4060

(G) "Certified hyperbaric technologist" means a person who 4061
administers hyperbaric oxygen therapy and is certified as a 4062
hyperbaric technologist by the national board of diving and 4063
hyperbaric medical technology or its successor organization. 4064

(H) "Hyperbaric oxygen therapy" means the administration of 4065
pure oxygen in a pressurized room or chamber, except that it does 4066
not include ventilator management. 4067

(I) "Advanced practice registered nurse" has the same meaning 4068
as in section 4723.01 of the Revised Code. 4069

(J) "Physician assistant" means an individual who holds a 4070
valid ~~certificate~~ license to practice issued under Chapter 4730. 4071
of the Revised Code authorizing the individual to provide services 4072
as a physician assistant to patients under the supervision, 4073
control, and direction of one or more physicians. 4074

Sec. 4761.17. All of the following apply to the practice of 4075
respiratory care by a person who holds a license or limited permit 4076
issued under this chapter: 4077

(A) The person shall practice only pursuant to a prescription 4078
or other order for respiratory care issued by ~~a~~ any of the 4079
following: 4080

(1) A physician ~~or by a;~~ 4081

(2) A registered nurse who holds a certificate of authority 4082
issued under Chapter 4723. of the Revised Code to practice as a 4083
certified nurse practitioner or clinical nurse specialist and has 4084
entered into a standard care arrangement with a physician that 4085
allows the nurse to prescribe or order respiratory care services; 4086

(3) A physician assistant who has been granted 4087
physician-delegated prescriptive authority that allows the 4088

physician assistant to prescribe or order respiratory care 4089
services. 4090

(B) The person shall practice only under the supervision of a 4091
any of the following: 4092

(1) A physician or under the supervision of a; 4093

(2) A certified nurse practitioner or clinical nurse 4094
specialist who is authorized to prescribe or order respiratory 4095
care services as provided in division (A)(2) of this section; 4096

(3) A physician assistant who is authorized to prescribe or 4097
order respiratory care services as provided in division (A)(3) of 4098
this section. 4099

(C) When practicing under the prescription or order of a 4100
certified nurse practitioner or clinical nurse specialist or under 4101
the supervision of such a nurse, the person's administration of 4102
medication that requires a prescription is limited to the drugs 4103
that the nurse is authorized to prescribe pursuant to the nurse's 4104
certificate to prescribe issued under section 4723.48 of the 4105
Revised Code. 4106

(D) When practicing under the prescription or order of a 4107
physician assistant or under the supervision of a physician 4108
assistant, the person's administration of medication that requires 4109
a prescription is limited to the drugs that the physician 4110
assistant is authorized to prescribe pursuant to the physician 4111
assistant's physician-delegated prescriptive authority. 4112

Sec. 4765.01. As used in this chapter: 4113

(A) "First responder" means an individual who holds a 4114
current, valid certificate issued under section 4765.30 of the 4115
Revised Code to practice as a first responder. 4116

(B) "Emergency medical technician-basic" or "EMT-basic" means 4117
an individual who holds a current, valid certificate issued under 4118

section 4765.30 of the Revised Code to practice as an emergency 4119
medical technician-basic. 4120

(C) "Emergency medical technician-intermediate" or "EMT-I" 4121
means an individual who holds a current, valid certificate issued 4122
under section 4765.30 of the Revised Code to practice as an 4123
emergency medical technician-intermediate. 4124

(D) "Emergency medical technician-paramedic" or "paramedic" 4125
means an individual who holds a current, valid certificate issued 4126
under section 4765.30 of the Revised Code to practice as an 4127
emergency medical technician-paramedic. 4128

(E) "Ambulance" means any motor vehicle that is used, or is 4129
intended to be used, for the purpose of responding to emergency 4130
medical situations, transporting emergency patients, and 4131
administering emergency medical service to patients before, 4132
during, or after transportation. 4133

(F) "Cardiac monitoring" means a procedure used for the 4134
purpose of observing and documenting the rate and rhythm of a 4135
patient's heart by attaching electrical leads from an 4136
electrocardiograph monitor to certain points on the patient's body 4137
surface. 4138

(G) "Emergency medical service" means any of the services 4139
described in sections 4765.35, 4765.37, 4765.38, and 4765.39 of 4140
the Revised Code that are performed by first responders, emergency 4141
medical technicians-basic, emergency medical 4142
technicians-intermediate, and paramedics. "Emergency medical 4143
service" includes such services performed before or during any 4144
transport of a patient, including transports between hospitals and 4145
transports to and from helicopters. 4146

(H) "Emergency medical service organization" means a public 4147
or private organization using first responders, EMTs-basic, 4148
EMTs-I, or paramedics, or a combination of first responders, 4149

EMTs-basic, EMTs-I, and paramedics, to provide emergency medical services. 4150
4151

(I) "Physician" means an individual who holds a current, 4152
valid certificate issued under Chapter 4731. of the Revised Code 4153
authorizing the practice of medicine and surgery or osteopathic 4154
medicine and surgery. 4155

(J) "Registered nurse" means an individual who holds a 4156
current, valid license issued under Chapter 4723. of the Revised 4157
Code authorizing the practice of nursing as a registered nurse. 4158

(K) "Volunteer" means a person who provides services either 4159
for no compensation or for compensation that does not exceed the 4160
actual expenses incurred in providing the services or in training 4161
to provide the services. 4162

(L) "Emergency medical service personnel" means first 4163
responders, emergency medical service technicians-basic, emergency 4164
medical service technicians-intermediate, emergency medical 4165
service technicians-paramedic, and persons who provide medical 4166
direction to such persons. 4167

(M) "Hospital" has the same meaning as in section 3727.01 of 4168
the Revised Code. 4169

(N) "Trauma" or "traumatic injury" means severe damage to or 4170
destruction of tissue that satisfies both of the following 4171
conditions: 4172

(1) It creates a significant risk of any of the following: 4173

(a) Loss of life; 4174

(b) Loss of a limb; 4175

(c) Significant, permanent disfigurement; 4176

(d) Significant, permanent disability. 4177

(2) It is caused by any of the following: 4178

(a) Blunt or penetrating injury;	4179
(b) Exposure to electromagnetic, chemical, or radioactive energy;	4180 4181
(c) Drowning, suffocation, or strangulation;	4182
(d) A deficit or excess of heat.	4183
(O) "Trauma victim" or "trauma patient" means a person who has sustained a traumatic injury.	4184 4185
(P) "Trauma care" means the assessment, diagnosis, transportation, treatment, or rehabilitation of a trauma victim by emergency medical service personnel or by a physician, nurse, physician assistant, respiratory therapist, physical therapist, chiropractor, occupational therapist, speech-language pathologist, audiologist, or psychologist licensed to practice as such in this state or another jurisdiction.	4186 4187 4188 4189 4190 4191 4192
(Q) "Trauma center" means all of the following:	4193
(1) Any hospital that is verified by the American college of surgeons as an adult or pediatric trauma center;	4194 4195
(2) Any hospital that is operating as an adult or pediatric trauma center under provisional status pursuant to section 3727.101 of the Revised Code;	4196 4197 4198
(3) Until December 31, 2004, any hospital in this state that is designated by the director of health as a level II pediatric trauma center under section 3727.081 of the Revised Code;	4199 4200 4201
(4) Any hospital in another state that is licensed or designated under the laws of that state as capable of providing specialized trauma care appropriate to the medical needs of the trauma patient.	4202 4203 4204 4205
(R) "Pediatric" means involving a patient who is less than sixteen years of age.	4206 4207

(S) "Adult" means involving a patient who is not a pediatric patient.	4208 4209
(T) "Geriatric" means involving a patient who is at least seventy years old or exhibits significant anatomical or physiological characteristics associated with advanced aging.	4210 4211 4212
(U) "Air medical organization" means an organization that provides emergency medical services, or transports emergency victims, by means of fixed or rotary wing aircraft.	4213 4214 4215
(V) "Emergency care" and "emergency facility" have the same meanings as in section 3727.01 of the Revised Code.	4216 4217
(W) "Stabilize," except as it is used in division (B) of section 4765.35 of the Revised Code with respect to the manual stabilization of fractures, has the same meaning as in section 1753.28 of the Revised Code.	4218 4219 4220 4221
(X) "Transfer" has the same meaning as in section 1753.28 of the Revised Code.	4222 4223
(Y) "Firefighter" means any member of a fire department as defined in section 742.01 of the Revised Code.	4224 4225
(Z) "Volunteer firefighter" has the same meaning as in section 146.01 of the Revised Code.	4226 4227
(AA) "Part-time paid firefighter" means a person who provides firefighting services on less than a full-time basis, is routinely scheduled to be present on site at a fire station or other designated location for purposes of responding to a fire or other emergency, and receives more than nominal compensation for the provision of firefighting services.	4228 4229 4230 4231 4232 4233
(BB) "Physician assistant" means an individual who holds a <u>current</u> , valid certificate <u>license</u> to practice as a physician assistant issued under Chapter 4730. of the Revised Code.	4234 4235 4236

Sec. 4765.51. Nothing in this chapter prevents or restricts 4237
the practice, services, or activities of any registered nurse 4238
practicing within the scope of the registered nurse's practice. 4239

Nothing in this chapter prevents or restricts the practice, 4240
services, or activities of any physician assistant practicing in 4241
accordance with a ~~physician supervisory plan approved~~ supervision 4242
agreement entered into under section ~~4730.17~~ 4730.19 of the 4243
Revised Code ~~or, including, if applicable,~~ the policies of the 4244
health care facility in which the physician assistant is 4245
practicing. 4246

Sec. 5122.11. Proceedings for a mentally ill person subject 4247
to court order pursuant to sections 5122.11 to 5122.15 of the 4248
Revised Code shall be commenced by the filing of an affidavit in 4249
the manner prescribed by the department of mental health and 4250
addiction services and in a form prescribed in section 5122.111 of 4251
the Revised Code, by any person or persons with the probate court 4252
~~in the county where the mentally ill person subject to court order~~ 4253
~~resides~~, either on reliable information or actual knowledge, 4254
whichever is determined to be proper by the court. This section 4255
does not apply to the hospitalization of a person pursuant to 4256
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 4257
Code. 4258

The affidavit shall contain an allegation setting forth the 4259
specific category or categories under division (B) of section 4260
5122.01 of the Revised Code upon which the jurisdiction of the 4261
court is based and a statement of alleged facts sufficient to 4262
indicate probable cause to believe that the person is a mentally 4263
ill person subject to court order. The affidavit may be 4264
accompanied, or the court may require that the affidavit be 4265
accompanied, by a certificate of a psychiatrist, or a certificate 4266
signed by a licensed clinical psychologist and a certificate 4267

signed by a licensed physician stating that the person who issued 4268
the certificate has examined the person and is of the opinion that 4269
the person is a mentally ill person subject to court order, or 4270
shall be accompanied by a written statement by the applicant, 4271
under oath, that the person has refused to submit to an 4272
examination by a psychiatrist, or by a licensed clinical 4273
psychologist and licensed physician. 4274

Upon receipt of the affidavit, if a judge of the court or a 4275
referee who is an attorney at law appointed by the court has 4276
probable cause to believe that the person named in the affidavit 4277
is a mentally ill person subject to court order, the judge or 4278
referee may issue a temporary order of detention ordering any 4279
health or police officer or sheriff to take into custody and 4280
transport the person to a hospital or other place designated in 4281
section 5122.17 of the Revised Code, or may set the matter for 4282
further hearing. If a temporary order of detention is issued and 4283
the person is transported to a hospital or other designated place, 4284
the court that issued the order shall retain jurisdiction over the 4285
case as it relates to the person's outpatient treatment, 4286
notwithstanding that the hospital or other designated place to 4287
which the person is transported is outside the territorial 4288
jurisdiction of the court. 4289

The person may be observed and treated until the hearing 4290
provided for in section 5122.141 of the Revised Code. If no such 4291
hearing is held, the person may be observed and treated until the 4292
hearing provided for in section 5122.15 of the Revised Code. 4293

Sec. 5122.111. To initiate proceedings for court-ordered 4294
treatment of a person under section 5122.11 of the Revised Code, a 4295
person or persons shall file an affidavit with the probate court 4296
that is identical in form and content to the following: 4297

AFFIDAVIT OF MENTAL ILLNESS 4298

	4299
The State of Ohio	4300
..... County, ss.	4301
..... Court	4302
.....	4303
the undersigned, residing at	4304
.....	4305
says, that he/she has information to believe or has actual	4306
knowledge that	
.....	4307
(Please specify specific category(ies) below with an X.)	4308
[] Represents a substantial risk of physical harm to self as	4309
manifested by evidence of threats of, or attempts at, suicide or	4310
serious self-inflicted bodily harm;	4311
[] Represents a substantial risk of physical harm to others as	4312
manifested by evidence of recent homicidal or other violent	4313
behavior or evidence of recent threats that place another in	4314
reasonable fear of violent behavior and serious physical harm or	4315
other evidence of present dangerousness;	4316
[] Represents a substantial and immediate risk of serious	4317
physical impairment or injury to self as manifested by evidence of	4318
being unable to provide for and of not providing for basic	4319
physical needs because of mental illness and that appropriate	4320
provision for such needs cannot be made immediately available in	4321
the community;	4322
[] Would benefit from treatment for mental illness and is in need	4323
of such treatment as manifested by evidence of behavior that	4324
creates a grave and imminent risk to substantial rights of others	4325
or the person; or	4326
[] Would benefit from treatment as manifested by evidence of	4327
behavior that indicates all of the following:	4328

(a) The person is unlikely to survive safely in the community 4329
without supervision, based on a clinical determination. 4330

(b) The person has a history of lack of compliance with treatment 4331
for mental illness and one of the following applies: 4332

(i) At least twice within the thirty-six months prior to the 4333
filing of an affidavit seeking court-ordered treatment of the 4334
person under section 5122.111 of the Revised Code, the lack of 4335
compliance has been a significant factor in necessitating 4336
hospitalization in a hospital or receipt of services in a forensic 4337
or other mental health unit of a correctional facility, provided 4338
that the thirty-six-month period shall be extended by the length 4339
of any hospitalization or incarceration of the person that 4340
occurred within the thirty-six-month period. 4341

(ii) Within the forty-eight months prior to the filing of an 4342
affidavit seeking court-ordered treatment of the person under 4343
section 5122.111 of the Revised Code, the lack of compliance 4344
resulted in one or more acts of serious violent behavior toward 4345
self or others or threats of, or attempts at, serious physical 4346
harm to self or others, provided that the forty-eight-month period 4347
shall be extended by the length of any hospitalization or 4348
incarceration of the person that occurred within the 4349
forty-eight-month period. 4350

(c) The person, as a result of mental illness, is unlikely to 4351
voluntarily participate in necessary treatment. 4352

(d) In view of the person's treatment history and current 4353
behavior, the person is in need of treatment in order to prevent a 4354
relapse or deterioration that would be likely to result in 4355
substantial risk of serious harm to the person or others. 4356
..... 4357
(Name of the party filing the affidavit) further says that the 4358
facts supporting this belief are as follows:

..... 4359
..... 4360
..... 4361
..... 4362
..... 4363
..... 4364
These facts being sufficient to indicate probable cause that the 4365
above said person is a mentally ill person subject to 4366
court order. 4367

Name of Patient's Last Physician or Licensed Clinical Psychologist 4368
..... 4369
Address of Patient's Last Physician or Licensed Clinical 4370
Psychologist
..... 4371
..... 4372

The name and address of respondent's legal guardian, spouse, and 4373
adult next of kin are: 4374

Name	Kinship	Address	
.....	Legal Guardian	.....	4375
		.....	4376
		.....	4377
		.....	4378
		.....	4379
.....	Spouse	.....	4380
		.....	4381
		.....	4382
.....	Adult Next of Kin	.....	4383
		.....	4384

.....	Adult Next of Kin	.....	4385
.....		.....	4386
.....		.....	4387
The following constitutes additional information that may be			4388
necessary for the purpose of determining residence:			4389
.....			4390
.....			4391
.....			4392
.....			4393
.....			4394
Dated this	day of	, 20...	4395
.....			4396
	Signature of the party filing the		4397
	affidavit		
Sworn to before me and signed in my presence on the day and year			4398
above dated.			4399
.....			4400
	Signature of Probate Judge		4401
.....			4402
	Signature of , Deputy Clerk, <u>or</u>		4403
	<u>Notary Public</u>		
WAIVER			4404

I, the undersigned party filing the affidavit hereby waive the 4405
issuing and service of notice of the hearing on said affidavit, 4406
and voluntarily enter my appearance herein. 4407

Dated this day of, 20... 4408

..... 4409
Signature of the party filing the 4410
affidavit

Sec. 5123.47. (A) As used in this section: 4411

(1) "In-home care" means the supportive services provided 4412
within the home of an individual with mental retardation or a 4413
developmental disability who receives funding for the services 4414
through a county board of developmental disabilities, including 4415
any recipient of residential services funded as home and 4416
community-based services, family support services provided under 4417
section 5126.11 of the Revised Code, or supported living provided 4418
in accordance with sections 5126.41 to 5126.47 of the Revised 4419
Code. "In-home care" includes care that is provided outside an 4420
individual's home in places incidental to the home, and while 4421
traveling to places incidental to the home, except that "in-home 4422
care" does not include care provided in the facilities of a county 4423
board of developmental disabilities or care provided in schools. 4424

(2) "Parent" means either parent of a child, including an 4425
adoptive parent but not a foster parent. 4426

(3) "Unlicensed in-home care worker" means an individual who 4427
provides in-home care but is not a health care professional. 4428

(4) "Family member" means a parent, sibling, spouse, son, 4429

daughter, grandparent, aunt, uncle, cousin, or guardian of the 4430
individual with mental retardation or a developmental disability 4431
if the individual with mental retardation or developmental 4432
disabilities lives with the person and is dependent on the person 4433
to the extent that, if the supports were withdrawn, another living 4434
arrangement would have to be found. 4435

(5) "Health care professional" means any of the following: 4436

(a) A dentist who holds a valid license issued under Chapter 4437
4715. of the Revised Code; 4438

(b) A registered or licensed practical nurse who holds a 4439
valid license issued under Chapter 4723. of the Revised Code; 4440

(c) An optometrist who holds a valid license issued under 4441
Chapter 4725. of the Revised Code; 4442

(d) A pharmacist who holds a valid license issued under 4443
Chapter 4729. of the Revised Code; 4444

(e) A person who holds a valid certificate issued under 4445
Chapter 4731. of the Revised Code to practice medicine and 4446
surgery, osteopathic medicine and surgery, podiatric medicine and 4447
surgery, or a limited brand of medicine; 4448

(f) A physician assistant who holds a valid ~~certificate~~ 4449
license issued under Chapter 4730. of the Revised Code; 4450

(g) An occupational therapist or occupational therapy 4451
assistant or a physical therapist or physical therapist assistant 4452
who holds a valid license issued under Chapter 4755. of the 4453
Revised Code; 4454

(h) A respiratory care professional who holds a valid license 4455
issued under Chapter 4761. of the Revised Code. 4456

(6) "Health care task" means a task that is prescribed, 4457
ordered, delegated, or otherwise directed by a health care 4458
professional acting within the scope of the professional's 4459

practice. 4460

(B) Except as provided in division (E) of this section, a 4461
family member of an individual with mental retardation or a 4462
developmental disability may authorize an unlicensed in-home care 4463
worker to administer oral and topical prescribed medications or 4464
perform other health care tasks as part of the in-home care the 4465
worker provides to the individual, if all of the following apply: 4466

(1) The family member is the primary supervisor of the care. 4467

(2) The unlicensed in-home care worker has been selected by 4468
the family member or the individual receiving care and is under 4469
the direct supervision of the family member. 4470

(3) The unlicensed in-home care worker is providing the care 4471
through an employment or other arrangement entered into directly 4472
with the family member and is not otherwise employed by or under 4473
contract with a person or government entity to provide services to 4474
individuals with mental retardation and developmental 4475
disabilities. 4476

(C) A family member shall obtain a prescription, if 4477
applicable, and written instructions from a health care 4478
professional for the care to be provided to the individual. The 4479
family member shall authorize the unlicensed in-home care worker 4480
to provide the care by preparing a written document granting the 4481
authority. The family member shall provide the unlicensed in-home 4482
care worker with appropriate training and written instructions in 4483
accordance with the instructions obtained from the health care 4484
professional. 4485

(D) A family member who authorizes an unlicensed in-home care 4486
worker to administer oral and topical prescribed medications or 4487
perform other health care tasks retains full responsibility for 4488
the health and safety of the individual receiving the care and for 4489
ensuring that the worker provides the care appropriately and 4490

safely. No entity that funds or monitors the provision of in-home care may be held liable for the results of the care provided under this section by an unlicensed in-home care worker, including such entities as the county board of developmental disabilities and the department of developmental disabilities.

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

(E) A county board of developmental disabilities may evaluate the authority granted by a family member under this section to an unlicensed in-home care worker at any time it considers necessary and shall evaluate the authority on receipt of a complaint. If the board determines that a family member has acted in a manner that is inappropriate for the health and safety of the individual receiving the care, the authorization granted by the family member to an unlicensed in-home care worker is void, and the family member may not authorize other unlicensed in-home care workers to provide the care. In making such a determination, the board shall use appropriately licensed health care professionals and shall provide the family member an opportunity to file a complaint under section 5126.06 of the Revised Code.

Section 2. That existing sections 1.64, 2133.211, 2151.3515 2305.113, 2925.61, 3701.92, 3727.06, 3729.05, 4123.01, 4123.026, 4123.46, 4503.44, 4723.01, 4723.06, 4723.07, 4723.18, 4723.181, 4723.48, 4723.482, 4723.50, 4729.01, 4730.01, 4730.02, 4730.03, 4730.04, 4730.06, 4730.08, 4730.091, 4730.10, 4730.101, 4730.11, 4730.12, 4730.13, 4730.14, 4730.19, 4730.21, 4730.22, 4730.25,

4730.251, 4730.27, 4730.28, 4730.31, 4730.32, 4730.33, 4730.38, 4522
4730.39, 4730.41, 4730.42, 4730.43, 4730.431, 4730.49, 4730.51, 4523
4730.53, 4731.07, 4761.01, 4761.17, 4765.01, 4765.51, 5122.11, 4524
5122.111, and 5123.47 and sections 4730.081, 4730.09, 4730.15, 4525
4730.16, 4730.17, 4730.18, 4730.20, 4730.44, 4730.45, 4730.46, 4526
4730.47, 4730.48, 4730.50, and 4730.52 of the Revised Code are 4527
hereby repealed. 4528

Section 3. That the versions of sections 4730.25 and 4730.53 4529
of the Revised Code that are scheduled to take effect April 1, 4530
2015, be amended to read as follows: 4531

Sec. 4730.25. (A) The state medical board, by an affirmative 4532
vote of not fewer than six members, may revoke or may refuse to 4533
grant a ~~certificate~~ license to practice as a physician assistant 4534
~~or a certificate to prescribe~~ to a person found by the board to 4535
have committed fraud, misrepresentation, or deception in applying 4536
for or securing the ~~certificate~~ license. 4537

(B) The board, by an affirmative vote of not fewer than six 4538
members, shall, to the extent permitted by law, limit, revoke, or 4539
suspend an individual's ~~certificate~~ license to practice as a 4540
physician assistant or ~~certificate to prescribe~~ prescriber number, 4541
refuse to issue a ~~certificate~~ license to an applicant, refuse to 4542
reinstate a ~~certificate~~ license, or reprimand or place on 4543
probation the holder of a ~~certificate~~ license for any of the 4544
following reasons: 4545

(1) Failure to practice in accordance with the ~~conditions~~ 4546
~~under which the~~ supervising physician's supervision agreement with 4547
the physician assistant ~~was approved, including the requirement~~ 4548
~~that when practicing under a particular supervising physician, the~~ 4549
~~physician assistant must practice only according to the physician~~ 4550
~~supervisory plan the board approved for that physician or,~~ 4551

including, if applicable, the policies of the health care facility 4552
in which the supervising physician and physician assistant are 4553
practicing; 4554

(2) Failure to comply with the requirements of this chapter, 4555
Chapter 4731. of the Revised Code, or any rules adopted by the 4556
board; 4557

(3) Violating or attempting to violate, directly or 4558
indirectly, or assisting in or abetting the violation of, or 4559
conspiring to violate, any provision of this chapter, Chapter 4560
4731. of the Revised Code, or the rules adopted by the board; 4561

(4) Inability to practice according to acceptable and 4562
prevailing standards of care by reason of mental illness or 4563
physical illness, including physical deterioration that adversely 4564
affects cognitive, motor, or perceptive skills; 4565

(5) Impairment of ability to practice according to acceptable 4566
and prevailing standards of care because of habitual or excessive 4567
use or abuse of drugs, alcohol, or other substances that impair 4568
ability to practice; 4569

(6) Administering drugs for purposes other than those 4570
authorized under this chapter; 4571

(7) Willfully betraying a professional confidence; 4572

(8) Making a false, fraudulent, deceptive, or misleading 4573
statement in soliciting or advertising for employment as a 4574
physician assistant; in connection with any solicitation or 4575
advertisement for patients; in relation to the practice of 4576
medicine as it pertains to physician assistants; or in securing or 4577
attempting to secure a certificate license to practice as a 4578
physician assistant, ~~a certificate to prescribe, or approval of a~~ 4579
~~supervision agreement.~~ 4580

As used in this division, "false, fraudulent, deceptive, or 4581

misleading statement" means a statement that includes a 4582
misrepresentation of fact, is likely to mislead or deceive because 4583
of a failure to disclose material facts, is intended or is likely 4584
to create false or unjustified expectations of favorable results, 4585
or includes representations or implications that in reasonable 4586
probability will cause an ordinarily prudent person to 4587
misunderstand or be deceived. 4588

(9) Representing, with the purpose of obtaining compensation 4589
or other advantage personally or for any other person, that an 4590
incurable disease or injury, or other incurable condition, can be 4591
permanently cured; 4592

(10) The obtaining of, or attempting to obtain, money or 4593
anything of value by fraudulent misrepresentations in the course 4594
of practice; 4595

(11) A plea of guilty to, a judicial finding of guilt of, or 4596
a judicial finding of eligibility for intervention in lieu of 4597
conviction for, a felony; 4598

(12) Commission of an act that constitutes a felony in this 4599
state, regardless of the jurisdiction in which the act was 4600
committed; 4601

(13) A plea of guilty to, a judicial finding of guilt of, or 4602
a judicial finding of eligibility for intervention in lieu of 4603
conviction for, a misdemeanor committed in the course of practice; 4604

(14) A plea of guilty to, a judicial finding of guilt of, or 4605
a judicial finding of eligibility for intervention in lieu of 4606
conviction for, a misdemeanor involving moral turpitude; 4607

(15) Commission of an act in the course of practice that 4608
constitutes a misdemeanor in this state, regardless of the 4609
jurisdiction in which the act was committed; 4610

(16) Commission of an act involving moral turpitude that 4611

constitutes a misdemeanor in this state, regardless of the 4612
jurisdiction in which the act was committed; 4613

(17) A plea of guilty to, a judicial finding of guilt of, or 4614
a judicial finding of eligibility for intervention in lieu of 4615
conviction for violating any state or federal law regulating the 4616
possession, distribution, or use of any drug, including 4617
trafficking in drugs; 4618

(18) Any of the following actions taken by the state agency 4619
responsible for regulating the practice of physician assistants in 4620
another state, for any reason other than the nonpayment of fees: 4621
the limitation, revocation, or suspension of an individual's 4622
license to practice; acceptance of an individual's license 4623
surrender; denial of a license; refusal to renew or reinstate a 4624
license; imposition of probation; or issuance of an order of 4625
censure or other reprimand; 4626

(19) A departure from, or failure to conform to, minimal 4627
standards of care of similar physician assistants under the same 4628
or similar circumstances, regardless of whether actual injury to a 4629
patient is established; 4630

(20) Violation of the conditions placed by the board on a 4631
~~certificate~~ license to practice as a physician assistant, ~~a~~ 4632
~~certificate to prescribe, a physician supervisory plan, or~~ 4633
~~supervision agreement;~~ 4634

(21) Failure to use universal blood and body fluid 4635
precautions established by rules adopted under section 4731.051 of 4636
the Revised Code; 4637

(22) Failure to cooperate in an investigation conducted by 4638
the board under section 4730.26 of the Revised Code, including 4639
failure to comply with a subpoena or order issued by the board or 4640
failure to answer truthfully a question presented by the board at 4641
a deposition or in written interrogatories, except that failure to 4642

cooperate with an investigation shall not constitute grounds for 4643
discipline under this section if a court of competent jurisdiction 4644
has issued an order that either quashes a subpoena or permits the 4645
individual to withhold the testimony or evidence in issue; 4646

(23) Assisting suicide, as defined in section 3795.01 of the 4647
Revised Code; 4648

(24) Prescribing any drug or device to perform or induce an 4649
abortion, or otherwise performing or inducing an abortion; 4650

(25) Failure to comply with section 4730.53 of the Revised 4651
Code, unless the board no longer maintains a drug database 4652
pursuant to section 4729.75 of the Revised Code; 4653

~~(25)~~(26) Failure to comply with the requirements in section 4654
3719.061 of the Revised Code before issuing ~~to~~ for a minor a 4655
prescription for a controlled substance containing an opioid; 4656

(27) Having certification by the national commission on 4657
certification of physician assistants or a successor organization 4658
expire, lapse, or be suspended or revoked. 4659

(C) Disciplinary actions taken by the board under divisions 4660
(A) and (B) of this section shall be taken pursuant to an 4661
adjudication under Chapter 119. of the Revised Code, except that 4662
in lieu of an adjudication, the board may enter into a consent 4663
agreement with a physician assistant or applicant to resolve an 4664
allegation of a violation of this chapter or any rule adopted 4665
under it. A consent agreement, when ratified by an affirmative 4666
vote of not fewer than six members of the board, shall constitute 4667
the findings and order of the board with respect to the matter 4668
addressed in the agreement. If the board refuses to ratify a 4669
consent agreement, the admissions and findings contained in the 4670
consent agreement shall be of no force or effect. 4671

(D) For purposes of divisions (B)(12), (15), and (16) of this 4672
section, the commission of the act may be established by a finding 4673

by the board, pursuant to an adjudication under Chapter 119. of 4674
the Revised Code, that the applicant or ~~certificate~~ license holder 4675
committed the act in question. The board shall have no 4676
jurisdiction under these divisions in cases where the trial court 4677
renders a final judgment in the ~~certificate~~ license holder's favor 4678
and that judgment is based upon an adjudication on the merits. The 4679
board shall have jurisdiction under these divisions in cases where 4680
the trial court issues an order of dismissal upon technical or 4681
procedural grounds. 4682

(E) The sealing of conviction records by any court shall have 4683
no effect upon a prior board order entered under the provisions of 4684
this section or upon the board's jurisdiction to take action under 4685
the provisions of this section if, based upon a plea of guilty, a 4686
judicial finding of guilt, or a judicial finding of eligibility 4687
for intervention in lieu of conviction, the board issued a notice 4688
of opportunity for a hearing prior to the court's order to seal 4689
the records. The board shall not be required to seal, destroy, 4690
redact, or otherwise modify its records to reflect the court's 4691
sealing of conviction records. 4692

(F) For purposes of this division, any individual who holds a 4693
~~certificate~~ license issued under this chapter, or applies for a 4694
~~certificate~~ license issued under this chapter, shall be deemed to 4695
have given consent to submit to a mental or physical examination 4696
when directed to do so in writing by the board and to have waived 4697
all objections to the admissibility of testimony or examination 4698
reports that constitute a privileged communication. 4699

(1) In enforcing division (B)(4) of this section, the board, 4700
upon a showing of a possible violation, may compel any individual 4701
who holds a ~~certificate~~ license issued under this chapter or who 4702
has applied for a ~~certificate~~ license pursuant to this chapter to 4703
submit to a mental examination, physical examination, including an 4704
HIV test, or both a mental and physical examination. The expense 4705

of the examination is the responsibility of the individual 4706
compelled to be examined. Failure to submit to a mental or 4707
physical examination or consent to an HIV test ordered by the 4708
board constitutes an admission of the allegations against the 4709
individual unless the failure is due to circumstances beyond the 4710
individual's control, and a default and final order may be entered 4711
without the taking of testimony or presentation of evidence. If 4712
the board finds a physician assistant unable to practice because 4713
of the reasons set forth in division (B)(4) of this section, the 4714
board shall require the physician assistant to submit to care, 4715
counseling, or treatment by physicians approved or designated by 4716
the board, as a condition for an initial, continued, reinstated, 4717
or renewed ~~certificate~~ license. An individual affected under this 4718
division shall be afforded an opportunity to demonstrate to the 4719
board the ability to resume practicing in compliance with 4720
acceptable and prevailing standards of care. 4721

(2) For purposes of division (B)(5) of this section, if the 4722
board has reason to believe that any individual who holds a 4723
~~certificate~~ license issued under this chapter or any applicant for 4724
a ~~certificate~~ license suffers such impairment, the board may 4725
compel the individual to submit to a mental or physical 4726
examination, or both. The expense of the examination is the 4727
responsibility of the individual compelled to be examined. Any 4728
mental or physical examination required under this division shall 4729
be undertaken by a treatment provider or physician qualified to 4730
conduct such examination and chosen by the board. 4731

Failure to submit to a mental or physical examination ordered 4732
by the board constitutes an admission of the allegations against 4733
the individual unless the failure is due to circumstances beyond 4734
the individual's control, and a default and final order may be 4735
entered without the taking of testimony or presentation of 4736
evidence. If the board determines that the individual's ability to 4737

practice is impaired, the board shall suspend the individual's 4738
~~certificate~~ license or deny the individual's application and shall 4739
require the individual, as a condition for initial, continued, 4740
reinstated, or renewed ~~certification~~ licensure to practice or 4741
authority to prescribe, to submit to treatment. 4742

Before being eligible to apply for reinstatement of a 4743
~~certificate~~ license suspended under this division, the physician 4744
assistant shall demonstrate to the board the ability to resume 4745
practice or prescribing in compliance with acceptable and 4746
prevailing standards of care. The demonstration shall include the 4747
following: 4748

(a) Certification from a treatment provider approved under 4749
section 4731.25 of the Revised Code that the individual has 4750
successfully completed any required inpatient treatment; 4751

(b) Evidence of continuing full compliance with an aftercare 4752
contract or consent agreement; 4753

(c) Two written reports indicating that the individual's 4754
ability to practice has been assessed and that the individual has 4755
been found capable of practicing according to acceptable and 4756
prevailing standards of care. The reports shall be made by 4757
individuals or providers approved by the board for making such 4758
assessments and shall describe the basis for their determination. 4759

The board may reinstate a ~~certificate~~ license suspended under 4760
this division after such demonstration and after the individual 4761
has entered into a written consent agreement. 4762

When the impaired physician assistant resumes practice or 4763
prescribing, the board shall require continued monitoring of the 4764
physician assistant. The monitoring shall include compliance with 4765
the written consent agreement entered into before reinstatement or 4766
with conditions imposed by board order after a hearing, and, upon 4767
termination of the consent agreement, submission to the board for 4768

at least two years of annual written progress reports made under 4769
penalty of falsification stating whether the physician assistant 4770
has maintained sobriety. 4771

(G) If the secretary and supervising member determine that 4772
there is clear and convincing evidence that a physician assistant 4773
has violated division (B) of this section and that the 4774
individual's continued practice or prescribing presents a danger 4775
of immediate and serious harm to the public, they may recommend 4776
that the board suspend the individual's ~~certificate~~ license to 4777
practice or authority to prescribe without a prior hearing. 4778
Written allegations shall be prepared for consideration by the 4779
board. 4780

The board, upon review of those allegations and by an 4781
affirmative vote of not fewer than six of its members, excluding 4782
the secretary and supervising member, may suspend a ~~certificate~~ 4783
license without a prior hearing. A telephone conference call may 4784
be utilized for reviewing the allegations and taking the vote on 4785
the summary suspension. 4786

The board shall issue a written order of suspension by 4787
certified mail or in person in accordance with section 119.07 of 4788
the Revised Code. The order shall not be subject to suspension by 4789
the court during pendency of any appeal filed under section 119.12 4790
of the Revised Code. If the physician assistant requests an 4791
adjudicatory hearing by the board, the date set for the hearing 4792
shall be within fifteen days, but not earlier than seven days, 4793
after the physician assistant requests the hearing, unless 4794
otherwise agreed to by both the board and the ~~certificate~~ license 4795
holder. 4796

A summary suspension imposed under this division shall remain 4797
in effect, unless reversed on appeal, until a final adjudicative 4798
order issued by the board pursuant to this section and Chapter 4799
119. of the Revised Code becomes effective. The board shall issue 4800

its final adjudicative order within sixty days after completion of 4801
its hearing. Failure to issue the order within sixty days shall 4802
result in dissolution of the summary suspension order, but shall 4803
not invalidate any subsequent, final adjudicative order. 4804

(H) If the board takes action under division (B)(11), (13), 4805
or (14) of this section, and the judicial finding of guilt, guilty 4806
plea, or judicial finding of eligibility for intervention in lieu 4807
of conviction is overturned on appeal, upon exhaustion of the 4808
criminal appeal, a petition for reconsideration of the order may 4809
be filed with the board along with appropriate court documents. 4810
Upon receipt of a petition and supporting court documents, the 4811
board shall reinstate the ~~certificate~~ license to practice ~~or~~ 4812
~~prescribe~~. The board may then hold an adjudication under Chapter 4813
119. of the Revised Code to determine whether the individual 4814
committed the act in question. Notice of opportunity for hearing 4815
shall be given in accordance with Chapter 119. of the Revised 4816
Code. If the board finds, pursuant to an adjudication held under 4817
this division, that the individual committed the act, or if no 4818
hearing is requested, it may order any of the sanctions identified 4819
under division (B) of this section. 4820

(I) The ~~certificate~~ license to practice issued to a physician 4821
assistant and the physician assistant's practice in this state are 4822
automatically suspended as of the date the physician assistant 4823
pleads guilty to, is found by a judge or jury to be guilty of, or 4824
is subject to a judicial finding of eligibility for intervention 4825
in lieu of conviction in this state or treatment or intervention 4826
in lieu of conviction in another state for any of the following 4827
criminal offenses in this state or a substantially equivalent 4828
criminal offense in another jurisdiction: aggravated murder, 4829
murder, voluntary manslaughter, felonious assault, kidnapping, 4830
rape, sexual battery, gross sexual imposition, aggravated arson, 4831
aggravated robbery, or aggravated burglary. Continued practice 4832

after the suspension shall be considered practicing without a 4833
~~eertificate~~ license. 4834

The board shall notify the individual subject to the 4835
suspension by certified mail or in person in accordance with 4836
section 119.07 of the Revised Code. If an individual whose 4837
~~eertificate~~ license is suspended under this division fails to make 4838
a timely request for an adjudication under Chapter 119. of the 4839
Revised Code, the board shall enter a final order permanently 4840
revoking the individual's ~~eertificate~~ license to practice. 4841

(J) In any instance in which the board is required by Chapter 4842
119. of the Revised Code to give notice of opportunity for hearing 4843
and the individual subject to the notice does not timely request a 4844
hearing in accordance with section 119.07 of the Revised Code, the 4845
board is not required to hold a hearing, but may adopt, by an 4846
affirmative vote of not fewer than six of its members, a final 4847
order that contains the board's findings. In that final order, the 4848
board may order any of the sanctions identified under division (A) 4849
or (B) of this section. 4850

(K) Any action taken by the board under division (B) of this 4851
section resulting in a suspension shall be accompanied by a 4852
written statement of the conditions under which the physician 4853
assistant's ~~eertificate~~ license may be reinstated. The board shall 4854
adopt rules in accordance with Chapter 119. of the Revised Code 4855
governing conditions to be imposed for reinstatement. 4856
Reinstatement of a ~~eertificate~~ license suspended pursuant to 4857
division (B) of this section requires an affirmative vote of not 4858
fewer than six members of the board. 4859

(L) When the board refuses to grant to an applicant a 4860
~~eertificate~~ license to practice as a physician assistant ~~or a~~ 4861
~~eertificate to prescribe~~, revokes an individual's ~~eertificate~~ 4862
license, refuses to issue a ~~eertificate~~ license, or refuses to 4863
reinstate an individual's ~~eertificate~~ license, the board may 4864

specify that its action is permanent. An individual subject to a 4865
permanent action taken by the board is forever thereafter 4866
ineligible to hold the ~~certificate~~ license and the board shall not 4867
accept an application for reinstatement of the ~~certificate~~ license 4868
or for issuance of a new ~~certificate~~ license. 4869

(M) Notwithstanding any other provision of the Revised Code, 4870
all of the following apply: 4871

(1) The surrender of a ~~certificate~~ license issued under this 4872
chapter is not effective unless or until accepted by the board. 4873
Reinstatement of a ~~certificate~~ license surrendered to the board 4874
requires an affirmative vote of not fewer than six members of the 4875
board. 4876

(2) An application made under this chapter for a ~~certificate,~~ 4877
~~approval of a physician supervisory plan, or approval of a~~ 4878
~~supervision agreement~~ license may not be withdrawn without 4879
approval of the board. 4880

(3) Failure by an individual to renew a ~~certificate~~ license 4881
in accordance with section 4730.14 ~~or section 4730.48~~ of the 4882
Revised Code shall not remove or limit the board's jurisdiction to 4883
take disciplinary action under this section against the 4884
individual. 4885

Sec. 4730.53. (A) As used in this section, "drug database" 4886
means the database established and maintained by the state board 4887
of pharmacy pursuant to section 4729.75 of the Revised Code. 4888

(B) Except as provided in divisions (C) and (E) of this 4889
section, a physician assistant ~~holding a certificate to prescribe~~ 4890
~~issued~~ licensed under this chapter who has been granted 4891
physician-delegated prescriptive authority shall comply with all 4892
of the following as conditions of prescribing a drug that is 4893
either an opioid analgesic or a benzodiazepine as part of a 4894

patient's course of treatment for a particular condition: 4895

(1) Before initially prescribing the drug, the physician 4896
assistant or the physician assistant's delegate shall request from 4897
the drug database a report of information related to the patient 4898
that covers at least the twelve months immediately preceding the 4899
date of the request. If the physician assistant practices 4900
primarily in a county of this state that adjoins another state, 4901
the physician assistant or delegate also shall request a report of 4902
any information available in the drug database that pertains to 4903
prescriptions issued or drugs furnished to the patient in the 4904
state adjoining that county. 4905

(2) If the patient's course of treatment for the condition 4906
continues for more than ninety days after the initial report is 4907
requested, the physician assistant or delegate shall make periodic 4908
requests for reports of information from the drug database until 4909
the course of treatment has ended. The requests shall be made at 4910
intervals not exceeding ninety days, determined according to the 4911
date the initial request was made. The request shall be made in 4912
the same manner provided in division (B)(1) of this section for 4913
requesting the initial report of information from the drug 4914
database. 4915

(3) On receipt of a report under division (B)(1) or (2) of 4916
this section, the physician assistant shall assess the information 4917
in the report. The physician assistant shall document in the 4918
patient's record that the report was received and the information 4919
was assessed. 4920

(C) Division (B) of this section does not apply in any of the 4921
following circumstances: 4922

(1) A drug database report regarding the patient is not 4923
available, in which case the physician assistant shall document in 4924
the patient's record the reason that the report is not available. 4925

(2) The drug is prescribed in an amount indicated for a 4926
period not to exceed seven days. 4927

(3) The drug is prescribed for the treatment of cancer or 4928
another condition associated with cancer. 4929

(4) The drug is prescribed to a hospice patient in a hospice 4930
care program, as those terms are defined in section 3712.01 of the 4931
Revised Code, or any other patient diagnosed as terminally ill. 4932

(5) The drug is prescribed for administration in a hospital, 4933
nursing home, or residential care facility. 4934

(D) With respect to prescribing any drug that is not an 4935
opioid analgesic or a benzodiazepine but is included in the drug 4936
database pursuant to rules adopted under section 4729.84 of the 4937
Revised Code, the state medical board shall adopt rules that 4938
establish standards and procedures to be followed by a physician 4939
assistant ~~who holds a certificate to prescribe issued~~ licensed 4940
under this chapter who has been granted physician-delegated 4941
prescriptive authority regarding the review of patient information 4942
available through the drug database under division (A)(5) of 4943
section 4729.80 of the Revised Code. The rules shall be adopted in 4944
accordance with Chapter 119. of the Revised Code. 4945

(E) This section and the rules adopted under it do not apply 4946
if the state board of pharmacy no longer maintains the drug 4947
database. 4948

Section 4. That the existing versions of sections 4730.25 and 4949
4730.53 of the Revised Code that are scheduled to take effect 4950
April 1, 2015, are hereby repealed. 4951

Section 5. Sections 3 and 4 of this act shall take effect 4952
April 1, 2015. 4953

Section 6. (A) The State Medical Board may continue to issue 4954

certificates to practice and certificates to prescribe pursuant to 4955
Chapter 4730. of the Revised Code for not longer than ninety days 4956
after the effective date of this act. Thereafter, the Board shall 4957
issue physician assistant licenses in compliance with this act. 4958

(B) Certificates to practice and certificates to prescribe 4959
issued pursuant to division (A) of this section or Chapter 4730. 4960
of the Revised Code, as it existed immediately prior to the 4961
effective date of this act, shall satisfy the requirements for 4962
physician assistant licenses, as created by this act, until the 4963
thirty-first day of January of the first even-numbered year 4964
following the effective date of this act. 4965

Section 7. Section 4730.25 of the Revised Code is presented 4966
in Section 4 of this act as a composite of the section as amended 4967
by Sub. H.B. 314, Am. Sub. H.B. 341, and Am. Sub. H.B. 483, all of 4968
the 130th General Assembly. The General Assembly, applying the 4969
principle stated in division (B) of section 1.52 of the Revised 4970
Code that amendments are to be harmonized if reasonably capable of 4971
simultaneous operation, finds that the composite is the resulting 4972
version of the section in effect prior to the effective date of 4973
the section as presented in this act. 4974