

As Introduced

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H. B. No. 667

Representative Schuring

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A B I L L

To amend sections 4730.09, 4761.01, 4761.03, 4761.04, 1
4761.05, 4761.06, 4761.07, 4761.09, and 4761.17 of 2
the Revised Code to make changes to the law 3
governing respiratory care professionals. 4

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

Section 1. That sections 4730.09, 4761.01, 4761.03, 4761.04, 5
4761.05, 4761.06, 4761.07, 4761.09, and 4761.17 of the Revised 6
Code be amended to read as follows: 7

Sec. 4730.09. (A) Under a physician supervisory plan approved 8
under section 4730.17 of the Revised Code, a physician assistant 9
may provide any or all of the following services without approval 10
by the state medical board as special services: 11

(1) Obtaining comprehensive patient histories; 12

(2) Performing physical examinations, including audiometry 13
screening, routine visual screening, and pelvic, rectal, and 14
genital-urinary examinations, when indicated; 15

(3) Ordering, performing, or ordering and performing routine 16
diagnostic procedures, as indicated; 17

(4) Identifying normal and abnormal findings on histories, 18
physical examinations, and commonly performed diagnostic studies; 19

(5) Assessing patients and developing and implementing treatment plans for patients;	20 21
(6) Monitoring the effectiveness of therapeutic interventions;	22 23
(7) Exercising physician-delegated prescriptive authority pursuant to a certificate to prescribe issued under this chapter;	24 25
(8) Carrying out or relaying the supervising physician's orders for the administration of medication, to the extent permitted by law;	26 27 28
(9) Providing patient education;	29
(10) Instituting and changing orders on patient charts;	30
(11) Performing developmental screening examinations on children with regard to neurological, motor, and mental functions;	31 32
(12) Performing wound care management, suturing minor lacerations and removing the sutures, and incision and drainage of uncomplicated superficial abscesses;	33 34 35
(13) Removing superficial foreign bodies;	36
(14) Administering intravenous fluids;	37
(15) Inserting a foley or cudae catheter into the urinary bladder and removing the catheter;	38 39
(16) Performing biopsies of superficial lesions;	40
(17) Making appropriate referrals as directed by the supervising physician;	41 42
(18) Performing penile duplex ultrasound;	43
(19) Changing of a tracheostomy;	44
(20) Performing bone marrow aspirations from the posterior iliac crest;	45 46
(21) Performing bone marrow biopsies from the posterior iliac	47

crest;	48
(22) Performing cystograms;	49
(23) Performing nephrostograms after physician placement of nephrostomy tubes;	50 51
(24) Fitting, inserting, or removing birth control devices;	52
(25) Removing cervical polyps;	53
(26) Performing nerve conduction testing;	54
(27) Performing endometrial biopsies;	55
(28) Inserting filiform and follower catheters;	56
(29) Performing arthrocentesis of the knee;	57
(30) Performing knee joint injections;	58
(31) Performing endotracheal intubation with successful completion of an advanced cardiac life support course;	59 60
(32) Performing lumbar punctures;	61
(33) In accordance with rules adopted by the board, using light-based medical devices for the purpose of hair removal;	62 63
(34) Administering, monitoring, or maintaining local anesthesia, as defined in section 4730.091 of the Revised Code;	64 65
(35) Applying or removing a cast or splint;	66
(36) Inserting or removing chest tubes;	67
(37) Prescribing physical therapy or referring a patient to a physical therapist for the purpose of receiving physical therapy;	68 69
(38) Ordering occupational therapy or referring a patient to an occupational therapist for the purpose of receiving occupational therapy;	70 71 72
(39) <u>Prescribing or ordering respiratory care or referring a patient to a respiratory care professional for the purpose of</u>	73 74

<u>receiving respiratory care;</u>	75
(40) Taking any action that may be taken by an attending physician under sections 2133.21 to 2133.26 of the Revised Code, as specified in section 2133.211 of the Revised Code;	76 77 78
(40) (41) Determining and pronouncing death in accordance with section 4730.092 of the Revised Code;	79 80
(41) (42) Admitting patients to hospitals in accordance with section 3727.06 of the Revised Code;	81 82
(42) (43) Performing other services that are within the supervising physician's normal course of practice and expertise, if the services are included in any model physician supervisory plan approved under section 4730.06 of the Revised Code or the services are designated by the board by rule or other means as services that are not subject to approval as special services.	83 84 85 86 87 88
(B) Under the policies of a health care facility, the services a physician assistant may provide are limited to the services the facility has authorized the physician assistant to provide for the facility. The services a health care facility may authorize a physician assistant to provide for the facility include the following:	89 90 91 92 93 94
(1) Any or all of the services specified in division (A) of this section;	95 96
(2) Assisting in surgery in the health care facility;	97
(3) Any other services permitted by the policies of the health care facility, except that the facility may not authorize a physician assistant to perform a service that is prohibited by this chapter.	98 99 100 101
Sec. 4761.01. As used in this chapter:	102
(A) "Respiratory care" means rendering or offering to render	103

to individuals, groups, organizations, or the public any service 104
involving the evaluation of cardiopulmonary function, the 105
treatment of cardiopulmonary impairment, the assessment of 106
treatment effectiveness, and the care of patients with 107
deficiencies and abnormalities associated with the cardiopulmonary 108
system. The practice of respiratory care includes: 109

(1) Obtaining, analyzing, testing, measuring, and monitoring 110
blood and gas samples in the determination of cardiopulmonary 111
parameters and related physiologic data, including flows, 112
pressures, and volumes, and the use of equipment employed for this 113
purpose; 114

(2) Administering, monitoring, recording the results of, and 115
instructing in the use of medical gases, aerosols, and 116
bronchopulmonary hygiene techniques, including drainage, 117
aspiration, and sampling, and applying, maintaining, and 118
instructing in the use of artificial airways, ventilators, and 119
other life support equipment employed in the treatment of 120
cardiopulmonary impairment and provided in collaboration with 121
other licensed health care professionals responsible for providing 122
care; 123

(3) Performing cardiopulmonary resuscitation and respiratory 124
rehabilitation techniques; 125

(4) Administering medications for the testing or treatment of 126
cardiopulmonary impairment. 127

(B) "Respiratory care professional" means a person who is 128
licensed under this chapter to practice the full range of 129
respiratory care services as defined in division (A) of this 130
section. 131

(C) "Physician" means an individual authorized under Chapter 132
4731. of the Revised Code to practice medicine and surgery or 133
osteopathic medicine and surgery. 134

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

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

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

(G) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.

(H) "Dangerous drug" has the same meaning as in section 4729.01 of the Revised Code.

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

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

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

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

Sec. 4761.03. The Ohio respiratory care board shall regulate the practice of respiratory care in this state and the persons to whom the board issues licenses and limited permits under this chapter and shall license and register home medical equipment services providers under Chapter 4752. of the Revised Code. Rules

adopted under this chapter that deal with the provision of 165
respiratory care in a hospital, other than rules regulating the 166
issuance of licenses or limited permits, shall be consistent with 167
the conditions for participation under medicare, Title XVIII of 168
the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, 169
as amended, and with the respiratory care accreditation standards 170
of the joint commission ~~on accreditation of healthcare~~ 171
~~organizations~~ or the American osteopathic association. 172

(A) The board shall+ 173

~~(A) Adopt~~ adopt, and may rescind or amend, rules in 174
accordance with Chapter 119. of the Revised Code to carry out the 175
purposes of this chapter, including rules prescribing: 176

(1) The form and manner for filing applications for licensure 177
and renewal, limited permits, and limited permit extensions under 178
sections 4761.05 and 4761.06 of the Revised Code; 179

(2) The form, scoring, and scheduling of examinations and 180
reexaminations administered by the board for licensure ~~and,~~ 181
license renewal, and license reinstatement or standards for the 182
board's recognition of examinations administered by state or 183
national organizations; 184

(3) Standards for the approval of educational programs 185
required to qualify for licensure and continuing education 186
programs required for license renewal; 187

(4) Continuing education courses and the number of hour 188
requirements necessary for license renewal, in accordance with 189
section 4761.06 of the Revised Code; 190

(5) Procedures for the issuance and renewal of licenses and 191
limited permits, including the duties that may be fulfilled by the 192
board's executive director and other board employees; 193

(6) Procedures for the denial, suspension, permanent 194

revocation, refusal to renew, and reinstatement of licenses and limited permits, the conduct of hearings, and the imposition of fines for engaging in conduct that is grounds for such action and hearings under section 4761.09 of the Revised Code;	195 196 197 198
(7) Standards of ethical conduct for the practice of respiratory care;	199 200
(8) Conditions under which the license renewal fee and continuing education requirements may be waived at the request of a licensee who is not in active practice;	201 202 203
(9) The respiratory care tasks that may be performed by an individual practicing as a polysomnographic technologist pursuant to division (B)(3) of section 4761.10 of the Revised Code;	204 205 206
(10) Procedures for registering out-of-state respiratory care providers authorized to practice in this state under division (A)(4) of section 4761.11 of the Revised Code;	207 208 209
(11) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;	210 211
(12) Procedures for accepting and storing copies of hyperbaric technologist certifications filed with the board pursuant to division (A)(11) of section 4761.11 of the Revised Code;	212 213 214 215
<u>(13) Standards to be followed by a hospital or nursing home in developing a protocol for purposes of section 4761.17 of the Revised Code;</u>	216 217 218
<u>(14) Conditions that must be met to be considered in good standing in a board-approved respiratory care educational program.</u>	219 220
(B) Determine <u>The board shall determine</u> the sufficiency of an applicant's qualifications for admission to the licensing examination or a reexamination, and for the issuance or renewal of a license or limited permit + .	221 222 223 224

(C) ~~Determine~~ The board shall determine the respiratory care 225
educational programs that are acceptable for fulfilling the 226
requirements of division (A) of section 4761.04 of the Revised 227
Code. 228

(D) ~~Schedule~~ The board shall schedule, administer, and score 229
the licensing examination or any reexamination for license renewal 230
or reinstatement or, for use as the licensing examination or any 231
reexamination for license renewal or reinstatement, recognize one 232
or more examinations that meet the standards prescribed by the 233
board in rules adopted under this section and are administered by 234
state or national organizations. The ~~If the board shall administer~~ 235
administers the licensing ~~examinations~~ examination, it shall be 236
administered at least twice a year and the board shall notify 237
applicants of the time and place of the examinations. 238

(E) ~~Investigate~~ The board shall investigate complaints 239
concerning alleged violations of section 4761.10 of the Revised 240
Code or grounds for the suspension, permanent revocation, or 241
refusal to issue licenses or limited permits under section 3123.47 242
or 4761.09 of the Revised Code. The board shall employ 243
investigators who shall, under the direction of the executive 244
director of the board, investigate complaints and make inspections 245
and other inquiries as, in the judgment of the board, are 246
appropriate to enforce sections 3123.41 to 3123.50, 4761.09, and 247
4761.10 of the Revised Code. Pursuant to an investigation and 248
inspection, the investigators may review and audit records during 249
normal business hours at the place of business of a licensee or 250
person who is the subject of a complaint filed with the board or 251
at any place where the records are kept. 252

Except when required by court order, the board and its 253
employees shall not disclose confidential information obtained 254
during an investigation or identifying information about any 255
person who files a complaint with the board. 256

The board may hear testimony in matters relating to the 257
duties imposed upon it and issue subpoenas pursuant to an 258
investigation. The president and secretary of the board may 259
administer oaths. 260

(F) ~~Conduct~~ The board shall conduct hearings, keep records of 261
its proceedings, and do other things as are necessary and proper 262
to carry out and enforce the provisions of this chapter~~+~~. 263

(G) ~~Maintain~~ The board shall maintain, publish, and make 264
available upon request, for a fee not to exceed the actual cost of 265
printing and mailing: 266

(1) The requirements for the issuance of licenses and limited 267
permits under this chapter and rules adopted by the board; 268

(2) A current register of every person licensed to practice 269
respiratory care in this state, to include the addresses of the 270
person's last known place of business and residence, the effective 271
date and identification number of the license, the name and 272
location of the institution that granted the person's degree or 273
certificate of completion of respiratory care educational 274
requirements, and the date the degree or certificate was issued; 275

(3) A list of the names and locations of the institutions 276
that each year granted degrees or certificates of completion in 277
respiratory care; 278

(4) After the administration of each examination, a list of 279
persons who passed the examination. 280

(H) ~~Submit~~ The board shall submit to the governor and to the 281
general assembly each year a report of all of its official actions 282
during the preceding year, together with any findings and 283
recommendations with regard to the improvement of the profession 284
of respiratory care~~+~~. 285

(I) ~~Administer~~ The board shall administer and enforce Chapter 286

4752. of the Revised Code. 287

Sec. 4761.04. (A) Except as provided in division (B) of this 288
section, no person is eligible for licensure as a respiratory care 289
professional unless the person has shown, to the satisfaction of 290
the Ohio respiratory care board, all of the following: 291

(1) That the person is of good moral character; 292

(2) That the person has successfully completed the 293
requirements of an educational program approved by the board that 294
includes instruction in the biological and physical sciences, 295
pharmacology, respiratory care theory, procedures, and clinical 296
practice, and cardiopulmonary rehabilitation techniques; 297

(3) That the person has passed an examination administered by 298
the board that tests the applicant's knowledge of the basic and 299
clinical sciences relating to respiratory care theory and 300
practice, professional skills and judgment in the utilization of 301
respiratory care techniques, and such other subjects as the board 302
considers useful in determining fitness to practice. 303

(B) The board may waive the requirements of division (A) of 304
this section with respect to any applicant who presents proof of 305
current licensure in another state whose standards for licensure 306
are at least equal to those in effect in this state on the date of 307
application. The board may waive the requirements of divisions 308
(A)(2) and (3) of this section with respect to any applicant who 309
presents proof of having successfully completed ~~any~~ a licensing 310
examination administered by a state or national organization 311
recognized by the board as ~~meeting~~ an examination that meets the 312
requirements of division (A)(3) of this section and the standards 313
for recognition prescribed by the board in rules adopted under 314
section 4761.03 of the Revised Code. 315

Sec. 4761.05. (A) The Ohio respiratory care board shall issue 316

a license to any applicant who complies with the requirements of 317
section 4761.04 of the Revised Code, files the prescribed 318
application form, and pays the fee or fees required under section 319
4761.07 of the Revised Code. The license entitles the holder to 320
practice respiratory care. The licensee shall display the license 321
in a conspicuous place at the licensee's principal place of 322
business. 323

(B)(1) The board shall issue a limited permit to any 324
applicant who meets the requirements of division (A)(1) of section 325
4761.04 of the Revised Code, files the prescribed application 326
form, pays the fee required under section 4761.07 of the Revised 327
Code, and meets either of the following requirements: 328

(a) Is enrolled in and ~~is~~ meets the conditions prescribed by 329
the board in rules adopted under section 4761.03 of the Revised 330
Code to be considered in good standing in a respiratory care 331
educational program approved by the board that meets the 332
requirements of division (A)(2) of section 4761.04 of the Revised 333
Code leading to a degree or certificate of completion or is a 334
graduate of the program; 335

(b) Is employed as a provider of respiratory care in this 336
state and was employed as a provider of respiratory care in this 337
state prior to March 14, 1989. 338

(2) The limited permit authorizes the holder to provide 339
respiratory care under the supervision of a respiratory care 340
professional. A person issued a limited permit under division 341
(B)(1)(a) of this section may practice respiratory care under the 342
limited permit ~~for not more than~~ until the earliest of the 343
following: 344

(a) Three years after the date the limited permit is issued; 345

(b) One year following the date of receipt of a certificate 346
of completion from a board-approved respiratory care education 347

program; 348

(c) ~~Until~~ The date that the holder discontinues participation 349
in ~~the~~ a board-approved respiratory care educational program; 350

(d) The date that the holder no longer meets the conditions 351
prescribed by the board in rules adopted under section 4761.03 of 352
the Revised Code to be considered in good standing in a 353
board-approved respiratory care educational program. 354

The board may extend the term of a limited permit in cases of 355
unusual hardship. The holder seeking an extension shall petition 356
the board in the form and manner prescribed by the board in rules 357
adopted under section 4761.03 of the Revised Code. This division 358
does not require a student enrolled in an educational program 359
leading to a degree or certificate of completion in respiratory 360
care approved by the board to obtain a limited permit to perform 361
any duties that are part of the required course of study. 362

(3) A person issued a limited permit under division (B)(1)(b) 363
of this section may practice under a limited permit for not more 364
than three years, except that this restriction does not apply to a 365
permit holder who, on March 14, 1989, has been employed as a 366
provider of respiratory care for an average of not less than 367
twenty-five hours per week for a period of not less than five 368
years by a hospital. 369

(C) All holders of licenses and limited permits issued under 370
this section shall display, in a conspicuous place on their 371
persons, information that identifies the type of authorization 372
under which they practice. 373

Sec. 4761.06. (A) Each license to practice respiratory care 374
shall be renewed biennially. Each limited permit to practice 375
respiratory care shall be renewed annually. Each person holding a 376
license or limited permit to practice respiratory care shall apply 377

to the Ohio respiratory care board on the form and according to 378
the schedule prescribed by the board for renewal of the license or 379
limited permit. Licenses and limited permits shall be renewed in 380
accordance with the standard renewal procedure of Chapter 4745. of 381
the Revised Code. The board shall renew a license upon the payment 382
of the license renewal fee prescribed under section 4761.07 of the 383
Revised Code and proof of satisfactory completion of the 384
continuing education or reexamination requirements of division (B) 385
of this section. The board shall renew a limited permit upon 386
payment of the limited permit renewal fee prescribed under section 387
4761.07 of the Revised Code and submission of one of the 388
following: 389

(1) If the limited permit was issued on the basis of division 390
(B)(1)(a) of section 4761.05 of the Revised Code, proof acceptable 391
to the board of ~~enrollment~~ being enrolled in and meeting the 392
conditions prescribed by the board in rules adopted under section 393
4761.03 of the Revised Code to be considered in good standing in 394
an educational program that meets the requirements of division 395
(A)(2) of section 4761.04 of the Revised Code or of graduation 396
from such a program; 397

(2) If the limited permit was issued on the basis of division 398
(B)(1)(b) of section 4761.05 of the Revised Code, proof acceptable 399
to the board of employment as a provider of respiratory care. 400

(B) On and after March 14, 1991, and every year thereafter, 401
on or before the annual renewal date, the holder of a limited 402
permit issued under division (B)(1)(b) of section 4761.05 of the 403
Revised Code shall submit proof to the board that the holder has 404
satisfactorily completed the number of hours of continuing 405
education required by the board, which shall not be less than 406
three nor more than ten hours of continuing education acceptable 407
to the board. 408

On or before the biennial renewal date, a license holder 409

shall submit proof to the board that the license holder has 410
satisfactorily completed the number of hours of continuing 411
education required by the board, which shall be not less than six 412
nor more than twenty hours of continuing education acceptable to 413
the board, or has passed a reexamination in accordance with the 414
board's renewal requirements. The board may waive all or part of 415
the continuing education requirement for a license holder who has 416
held the license for less than two years. 417

Sec. 4761.07. (A) The (1) Except as provided in division 418
(A)(2) of this section, the Ohio respiratory care board shall 419
charge any license applicant or holder who is to take an 420
examination required under division (A)(3) of section 4761.04 or a 421
reexamination required under division (B) of section 4761.06 of 422
the Revised Code for license renewal or under section 4761.09 of 423
the Revised Code for license reinstatement, a nonrefundable 424
examination fee, not to exceed the amount necessary to cover the 425
expense of administering the examination. The license applicant or 426
holder shall pay the fee at the time of application for licensure 427
~~or~~, renewal, or reinstatement. 428

(2) The examination fees described in division (A)(1) of this 429
section shall not be charged if the board recognizes for use as 430
the licensing examination or the reexamination for license renewal 431
or reinstatement one or more examinations that meet the standards 432
prescribed by the board in rules adopted under section 4761.03 of 433
the Revised Code and are administered by state or national 434
organizations. 435

(B) The board shall establish the following additional 436
nonrefundable fees and penalty: 437

(1) An initial license fee, not to exceed seventy-five 438
dollars; 439

(2) A biennial license renewal fee, not to exceed one hundred 440

dollars; 441

(3) A limited permit fee, not to exceed twenty dollars; 442

(4) A limited permit renewal fee, not to exceed ten dollars; 443

(5) A late renewal penalty, not to exceed fifty per cent of 444
the renewal fee; 445

(6) A fee for accepting and storing hyperbaric technologist 446
certifications filed with the board under division (A)(11) of 447
section 4761.11 of the Revised Code, not to exceed twenty dollars. 448

(C) Notwithstanding division (B)(4) of this section, after 449
the third renewal of a limited permit that meets the exception in 450
division (B)(3) of section 4761.05 of the Revised Code, the 451
limited permit renewal fee shall be one-half the amount of the 452
biennial license renewal fee established under division (B)(2) of 453
this section and section 4761.08 of the Revised Code. 454

(D) The board shall adjust the fees biennially and within the 455
limits established by division (B) of this section to provide 456
sufficient revenues to meet its expenses. 457

(E) The board may, by rule, provide for the waiver of all or 458
part of a license fee when the license is issued less than 459
eighteen months before its expiration date. 460

(F) All fees received by the board shall be deposited into 461
the state treasury to the credit of the occupational licensing and 462
regulatory fund. 463

Sec. 4761.09. (A) The Ohio respiratory care board may refuse 464
to issue or renew a license or a limited permit, may issue a 465
reprimand, may suspend or permanently revoke a license or limited 466
permit, or may place a license or limited permit holder on 467
probation, on any of the following grounds: 468

(1) A plea of guilty to, a judicial finding of guilt of, or a 469

judicial finding of eligibility for intervention in lieu of 470
conviction for an offense involving moral turpitude or of a 471
felony, in which case a certified copy of the court record shall 472
be conclusive evidence of the matter; 473

(2) Violating any provision of this chapter or an order or 474
rule of the board; 475

(3) Assisting another person in that person's violation of 476
any provision of this chapter or an order or rule of the board; 477

(4) Obtaining a license or limited permit by means of fraud, 478
false or misleading representation, or concealment of material 479
facts or making any other material misrepresentation to the board; 480

(5) Being guilty of negligence or gross misconduct in the 481
practice of respiratory care; 482

(6) Violating the standards of ethical conduct adopted by the 483
board, in the practice of respiratory care; 484

(7) Engaging in dishonorable, unethical, or unprofessional 485
conduct of a character likely to deceive, defraud, or harm the 486
public; 487

(8) ~~Using~~ Practicing or being present with an intent to 488
practice respiratory care while showing signs of impairment from 489
being under the influence of any dangerous drug, as defined in 490
section 4729.01 of the Revised Code, or alcohol to the extent that 491
the use impairs the ability to practice respiratory care at an 492
acceptable level of competency; 493

(9) Self-administering or otherwise taking into the body any 494
dangerous drug in any way that is not in accordance with a legal, 495
valid prescription issued for that individual, or 496
self-administering or otherwise taking into the body any drug that 497
is a schedule I controlled substance; 498

(10) Habitual or excessive use of controlled substances, 499

alcohol, or other habit-forming drugs or chemical substances to 500
the extent that the use impairs the individual's ability to 501
provide safe respiratory care; 502

(11) Practicing respiratory care while mentally incompetent; 503

~~(10)~~(12) Accepting commissions, rebates, or other forms of 504
remuneration for patient referrals; 505

~~(11)~~(13) Practicing in an area of respiratory care for which 506
the person is clearly untrained or incompetent or practicing in a 507
manner that conflicts with section 4761.17 of the Revised Code; 508

~~(12)~~(14) Employing, directing, or supervising a person who is 509
not authorized to practice respiratory care under this chapter in 510
the performance of respiratory care procedures; 511

~~(13)~~(15) Misrepresenting educational attainments or 512
authorized functions for the purpose of obtaining some benefit 513
related to the practice of respiratory care; 514

~~(14)~~(16) Assisting suicide as defined in section 3795.01 of 515
the Revised Code; 516

(17) Denial, revocation, suspension, or restriction of 517
authority to engage in a licensed profession or practice a health 518
care occupation, including respiratory care, in this state or any 519
other state or jurisdiction for any reason other than failure to 520
renew. 521

Before the board may take any action under this section, 522
other than issuance of a summary suspension order under division 523
(C) of this section, the executive director of the board shall 524
prepare and file written charges with the board. Disciplinary 525
actions taken by the board under this section shall be taken 526
pursuant to an adjudication under Chapter 119. of the Revised 527
Code, except that in lieu of an adjudication, the board may enter 528
into a consent agreement to resolve an allegation of a violation 529

of this chapter or any rule adopted under it. A consent agreement, 530
when ratified by the board, shall constitute the findings and 531
order of the board with respect to the matter addressed in the 532
agreement. If the board refuses to ratify a consent agreement, the 533
admissions and findings contained in the consent agreement shall 534
be of no effect. 535

(B) If the board orders a license or limited permit holder 536
placed on probation, the order shall be accompanied by a written 537
statement of the conditions under which the person may be restored 538
to practice. 539

The person may reapply to the board for original issuance of 540
a license after one year following the date the license was 541
denied. 542

A person may apply to the board for the reinstatement of a 543
license or limited permit after one year following the date of 544
suspension or refusal to renew. The board may accept or refuse the 545
application for reinstatement and may require that the applicant 546
pass a reexamination as a condition of eligibility for 547
reinstatement. 548

(C) If the president and secretary of the board determine 549
that there is clear and convincing evidence that a license or 550
limited permit holder has committed an act that is grounds for 551
board action under division (A) of this section and that continued 552
practice by the license or permit holder presents a danger of 553
immediate and serious harm to the public, the president and 554
secretary may recommend that the board suspend the license or 555
limited permit without a prior hearing. The president and 556
secretary shall submit in writing to the board the allegations 557
causing them to recommend the suspension. 558

On review of the allegations, the board, by a vote of not 559
less than seven of its members, may suspend a license or limited 560

permit without a prior hearing. The board may review the 561
allegations and vote on the suspension by a telephone conference 562
call. 563

If the board votes to suspend a license or limited permit 564
under this division, the board shall issue a written order of 565
summary suspension to the license or limited permit holder in 566
accordance with section 119.07 of the Revised Code. If the license 567
or limited permit holder requests a hearing by the board, the 568
board shall conduct the hearing in accordance with Chapter 119. of 569
the Revised Code. Notwithstanding section 119.12 of the Revised 570
Code, a court of common pleas shall not grant a suspension of the 571
board's order of summary suspension pending determination of an 572
appeal filed under that section. 573

Any order of summary suspension issued under this division 574
shall remain in effect until a final adjudication order issued by 575
the board pursuant to division (A) of this section becomes 576
effective. The board shall issue its final adjudication order 577
regarding an order of summary suspension issued under this 578
division not later than sixty days after completion of its 579
hearing. Failure to issue the order within sixty days shall result 580
in immediate dissolution of the suspension order, but shall not 581
invalidate any subsequent, final adjudication order. 582

Sec. 4761.17. All of the following apply to the practice of 583
respiratory care by a person who holds a license or limited permit 584
issued under this chapter: 585

(A) The person shall practice only pursuant to a one of the 586
following: 587

(1) A prescription or other order for respiratory care issued 588
by a one of the following: 589

(a) A physician ~~or by a i~~ 590

(b) A registered nurse who holds a certificate of authority 591
issued under Chapter 4723. of the Revised Code to practice as a 592
certified nurse practitioner or clinical nurse specialist and has 593
entered into a standard care arrangement with a physician that 594
allows the nurse to prescribe or order respiratory care services; 595

(c) A physician assistant who holds a certificate to practice 596
issued under Chapter 4730. of the Revised Code and has entered 597
into a supervision agreement approved under section 4730.18 of the 598
Revised Code with a physician who allows the physician assistant 599
to prescribe or order respiratory care services. 600

(2) A protocol consisting of a set of treatment or medication 601
administration guidelines that are developed by a hospital or 602
nursing home under appropriate medical direction and with medical 603
staff approval and that comply with standards prescribed by the 604
Ohio respiratory care board in rules adopted under section 4761.03 605
of the Revised Code. 606

(B) The person shall practice only under the supervision of a 607
physician or under the supervision of a certified nurse 608
practitioner ~~or~~, clinical nurse specialist, or physician assistant 609
who is authorized to prescribe or order respiratory care services 610
as provided in division (A) of this section. 611

(C) When practicing under the prescription or order of a 612
certified nurse practitioner or clinical nurse specialist or under 613
the supervision of such a nurse, the person's administration of 614
medication that requires a prescription is limited to the drugs 615
that the nurse is authorized to prescribe pursuant to the nurse's 616
certificate to prescribe issued under section 4723.48 of the 617
Revised Code. 618

(D) When practicing under the prescription or order of a 619
physician assistant or under the supervision of a physician 620
assistant, the person's administration of medication that requires 621

a prescription is limited to the drugs that the physician 622
assistant is authorized to prescribe pursuant to the physician 623
assistant's certificate to prescribe issued under section 4730.44 624
of the Revised Code. 625

Section 2. That existing sections 4730.09, 4761.01, 4761.03, 626
4761.04, 4761.05, 4761.06, 4761.07, 4761.09, and 4761.17 of the 627
Revised Code are hereby repealed. 628