

OHIO

House

of

Representatives

JOURNAL

MONDAY, SEPTEMBER 30, 2013

SEVENTY-SIXTH DAY
Hall of the House of Representatives, Columbus, Ohio
Monday, September 30, 2013, 9:00 o'clock a.m.

The House met pursuant to adjournment.

Pursuant to House Rule No. 23, the Clerk called the House to order.

Representative Stautberg was selected to preside under the Rule.

The journal of the previous legislative day was read and approved.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 273-Representative Pillich.

Cosponsors: Representatives Letson, Reece, Sheehy, Hagan, R., Williams.

To enact section 5502.59 of the Revised Code to establish the "Yellow Dot" motor vehicle medical information program within the Department of Public Safety.

H. B. No. 274-Representatives Patmon, Sears.

Cosponsors: Representatives Barnes, Cera, Lundy.

To amend sections 959.131, 959.132, and 959.99 of the Revised Code to revise provisions and penalties regarding treatment of companion animals and to revise the definition of "companion animal" in the Offenses Relating to Domestic Animals Law.

H. B. No. 275-Representatives Patmon, Barnes.

To enact sections 5.2288, 5101.91, and 5101.92 of the Revised Code to create the Commission on Violence Against Women and Children, to require the Commission to prepare an annual report, and to designate August as "Prevention of Violence Against Women and Children Month."

H. B. No. 276-Representative Stautberg.

Cosponsors: Representatives Becker, Blair, Blessing, Hackett, Hottinger, Johnson, Scherer, Sears, Smith.

To amend section 2317.43 and to enact sections 2305.27 and 2323.40 of the Revised Code to provide that certain statements and communications made regarding an unanticipated outcome of medical care are inadmissible as evidence, to require a plaintiff in a medical claim to establish that the defendant's act or omission is a deviation from the required standard of medical care and the direct and proximate cause of the alleged injury, death, or

loss, to provide that any loss of a chance of recovery or survival by itself is not an injury, death, or loss for which damages may be recovered, and to grant civil immunity to a health care facility for injury, death, or loss caused by a health care practitioner who is not an employee or agent of, and provides medical services at, the facility.

H. B. No. 277-Representative Stautberg.

Cosponsors: Representatives Becker, Brown, Conditt, Hood, Terhar, Thompson.

To amend sections 709.02, 709.021, 709.023, and 709.033 of the Revised Code to require that the state or a political subdivision real estate owner be included in determining the number of owners needed to sign a petition for an expedited type-II annexation, unless the real estate is a road or road right-of-way, to make other changes regarding that type of annexation, and to change for regular annexations the time at which to determine whether the required number of signatures were obtained.

H. B. No. 278-Representative Slaby.

Cosponsors: Representatives Blair, Butler, Hackett, Maag, Adams, R.

To amend section 4511.25 of the Revised Code to require that a vehicle with a gross vehicle weight rating or an actual gross vehicle weight of more than 10,000 pounds be driven only in either of the two right-hand lanes of a freeway with three lanes of travel in the same direction, except in limited circumstances.

H. B. No. 279-Representatives Damschroder, Brown.

Cosponsors: Representatives McClain, Boose, Blessing, Brenner, Becker, Barborak, Smith, Rosenberger, Beck, Hackett, Thompson, Buchy.

To enact section 6133.041 of the Revised Code to authorize a joint board of county commissioners to conduct proceedings regarding existing joint county ditches via teleconference or video conference.

Said bills were considered the first time.

**REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS
FOR SECOND CONSIDERATION**

Representative Gerberry submitted the following report:

The standing committee on Policy and Legislative Oversight to which was referred **H. C. R. No. 27**-Representatives Johnson, Mallory, having had the same under consideration, reports it back and recommends its adoption.

RE: URGE IRS NOT TO TARGET TAX EXEMPTION APPLICANTS
ON POLITICAL BASIS

MIKE DOVILLA	JIM BUCHY
RON GERBERRY	JOHN ADAMS
LOUIS W. BLESSING	ANDREW BRENNER
MATT HUFFMAN	DOROTHY PELANDA
RICK PERALES	JACK CERA
KATHLEEN CLYDE	TERESA FEDOR

The following member voted "NO"

MICHAEL F. CURTIN

The report was agreed to.

The concurrent resolution was ordered to be engrossed and placed on the calendar.

Representative Antonio submitted the following report:

The standing committee on Health and Aging to which was referred **H. B. No. 139**-Representative Gonzales, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: ADVANCED PRACTICE REGISTERED NURSES/PHYSICIAN
ASSISTANTS-ADMIT PATIENTS

Representative Wachtmann moved to amend the title as follows:

Add the names: "Wachtmann, Bishoff, Brown, Hill, Lynch, Ramos, Sears, Smith."

Representative Gonzales moved to amend as follows:

In line 5, delete "section" and insert "sections"; after "3727.06" insert ", 4723.431, and 4730.09"

In line 14, after "the" insert " hospital's"

In line 15, after "the" insert " hospital's"

In line 16, after "the" insert " hospital's"

In line 19, delete " who has a standard care arrangement"

Delete line 20 and insert "if all of the following conditions are met:

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

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

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

In line 21, delete "who is under the supervision,"

Delete line 22

In line 23, delete "of the medical staff" and insert "if all of the following conditions are met:

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

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

(iii) The hospital has granted the physician assistant admitting privileges and appropriate credentials"

In line 24, delete "Not later than twelve hours after" and insert "Prior to"

In line 27, after "the" insert "planned"

Between lines 48 and 49 insert:

"Sec. 4723.431. (A) Except as provided in division (D)(1) of this section, a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may practice only in accordance with a standard care arrangement entered into with each physician or podiatrist with whom the nurse collaborates. A copy of the standard care arrangement shall be retained on file at each site where the nurse practices. Prior approval of the standard care arrangement by the board of nursing is not required, but the board may periodically review it for compliance with this section.

A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may enter into a standard care arrangement with one or more collaborating physicians or podiatrists. Not later than thirty days after first engaging in the practice of nursing as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, the nurse shall submit to the board the name and business address of each collaborating physician or podiatrist. Thereafter, the nurse shall give to the board written notice of any additions or

deletions to the nurse's collaborating physicians or podiatrists not later than thirty days after the change takes effect.

Each collaborating physician or podiatrist must be actively engaged in direct clinical practice in this state and practicing in a specialty that is the same as or similar to the nurse's nursing specialty. If a collaborating physician or podiatrist enters into standard care arrangements with more than three nurses who hold certificates to prescribe issued under section 4723.48 of the Revised Code, the physician or podiatrist shall not collaborate at the same time with more than three of the nurses in the prescribing component of their practices.

(B) A standard care arrangement shall be in writing and, except as provided in division (D)(2) of this section, shall contain all of the following:

(1) Criteria for referral of a patient by the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to a collaborating physician or podiatrist;

(2) A process for the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to obtain a consultation with a collaborating physician or podiatrist;

(3) A plan for coverage in instances of emergency or planned absences of either the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner or a collaborating physician or podiatrist that provides the means whereby a physician or podiatrist is available for emergency care;

(4) The process for resolution of disagreements regarding matters of patient management between the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner and a collaborating physician or podiatrist;

(5) A procedure for a regular review of the referrals by the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to other health care professionals and the care outcomes for a random sample of all patients seen by the nurse;

(6) If the clinical nurse specialist or certified nurse practitioner regularly provides services to infants, a policy for care of infants up to age one and recommendations for collaborating physician visits for children from birth to age three;

(7) Any other criteria required by rule of the board adopted pursuant to section 4723.07 or 4723.50 of the Revised Code.

(C) (1) A standard care arrangement entered into pursuant to this section may permit a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to supervise services provided by a home health agency as defined in section 3701.881 of the Revised Code.

(2) A standard care arrangement entered into pursuant to this section may permit a clinical nurse specialist, certified nurse-midwife, or certified nurse

practitioner to admit a patient to a hospital in accordance with section 3727.06 of the Revised Code.

(D)(1) A clinical nurse specialist who does not hold a certificate to prescribe and whose nursing specialty is mental health or psychiatric mental health, as determined by the board, is not required to enter into a standard care arrangement, but shall practice in collaboration with one or more physicians.

(2) If a clinical nurse specialist practicing in either of the specialties specified in division (D)(1) of this section holds a certificate to prescribe, the nurse shall enter into a standard care arrangement with one or more physicians. The standard care arrangement must meet the requirements of division (B) of this section, but only to the extent necessary to address the prescribing component of the nurse's practice.

(E) Nothing in this section prohibits a hospital from hiring a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner as an employee and negotiating standard care arrangements on behalf of the employee as necessary to meet the requirements of this section. A standard care arrangement between the hospital's employee and the employee's collaborating physician is subject to approval by the medical staff and governing body of the hospital prior to implementation of the arrangement at the hospital.

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

- (1) Obtaining comprehensive patient histories;
- (2) Performing physical examinations, including audiometry screening, routine visual screening, and pelvic, rectal, and genital-urinary examinations, when indicated;
- (3) Ordering, performing, or ordering and performing routine diagnostic procedures, as indicated;
- (4) Identifying normal and abnormal findings on histories, physical examinations, and commonly performed diagnostic studies;
- (5) Assessing patients and developing and implementing treatment plans for patients;
- (6) Monitoring the effectiveness of therapeutic interventions;
- (7) Exercising physician-delegated prescriptive authority pursuant to a certificate to prescribe issued under this chapter;
- (8) Carrying out or relaying the supervising physician's orders for the administration of medication, to the extent permitted by law;
- (9) Providing patient education;

- (10) Instituting and changing orders on patient charts;
- (11) Performing developmental screening examinations on children with regard to neurological, motor, and mental functions;
- (12) Performing wound care management, suturing minor lacerations and removing the sutures, and incision and drainage of uncomplicated superficial abscesses;
- (13) Removing superficial foreign bodies;
- (14) Administering intravenous fluids;
- (15) Inserting a foley or cudae catheter into the urinary bladder and removing the catheter;
- (16) Performing biopsies of superficial lesions;
- (17) Making appropriate referrals as directed by the supervising physician;
- (18) Performing penile duplex ultrasound;
- (19) Changing of a tracheostomy;
- (20) Performing bone marrow aspirations from the posterior iliac crest;
- (21) Performing bone marrow biopsies from the posterior iliac crest;
- (22) Performing cystograms;
- (23) Performing nephrostograms after physician placement of nephrostomy tubes;
- (24) Fitting, inserting, or removing birth control devices;
- (25) Removing cervical polyps;
- (26) Performing nerve conduction testing;
- (27) Performing endometrial biopsies;
- (28) Inserting filiform and follower catheters;
- (29) Performing arthrocentesis of the knee;
- (30) Performing knee joint injections;
- (31) Performing endotracheal intubation with successful completion of an advanced cardiac life support course;
- (32) Performing lumbar punctures;
- (33) In accordance with rules adopted by the board, using light-based medical devices for the purpose of hair removal;
- (34) Administering, monitoring, or maintaining local anesthesia, as defined in section 4730.091 of the Revised Code;

(35) Applying or removing a cast or splint;

(36) Inserting or removing chest tubes;

(37) Prescribing physical therapy or referring a patient to a physical therapist for the purpose of receiving physical therapy;

(38) Ordering occupational therapy or referring a patient to an occupational therapist for the purpose of receiving occupational therapy;

(39) 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;

(40) Determining and pronouncing death in accordance with section 4730.092 of the Revised Code;

(41) Admitting patients to hospitals in accordance with section 3727.06 of the Revised Code;

(42) 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.

(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:

(1) Any or all of the services specified in division (A) of this section;

(2) Assisting in surgery in the health care facility;

(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."

In line 49, delete "section" and insert "sections"; after "3727.06" insert ", 4723.431, and 4730.09"

In line 50, delete "is" and insert "are"

In line 1 of the title, delete "section" and insert "sections"; after "3727.06" insert ", 4723.431, and 4730.09"

The motion was agreed to and the bill so amended.

LYNN R. WACHTMANN
NICKIE J. ANTONIO
HEATHER BISHOFF
ROBERT F. HAGAN

ANNE GONZALES
JOHN BARNES
TIM W. BROWN
BRIAN HILL

JAY HOTTINGER
MATT LYNCH
DAN RAMOS
RYAN SMITH

TERRY JOHNSON
RON MAAG
BARBARA R. SEARS

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Antonio submitted the following report:

The standing committee on Health and Aging to which was referred **H. B. No. 144**-Representative Kunze, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: PROHIBITED TOBACCO PURCHASES BY MINORS-INCLUDE ALTERNATIVE NICOTINE PRODUCTS

Representative Wachtmann moved to amend the title as follows:

Add the names: "Wachtmann, Brown, Lynch, Sears, Smith."

LYNN R. WACHTMANN
TIM W. BROWN
RON HOOD
TERRY JOHNSON
RON MAAG
BARBARA R. SEARS

ANNE GONZALES
BRIAN HILL
JAY HOTTINGER
MATT LYNCH
KIRK SCHURING
RYAN SMITH

The following members voted "NO"

NICKIE J. ANTONIO
HEATHER BISHOFF
ROBERT F. HAGAN

JOHN BARNES
JOHN PATRICK CARNEY
DAN RAMOS

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Antonio submitted the following report:

The standing committee on Health and Aging to which was referred **H. B. No. 170**-Representatives Johnson, Stinziano, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: NALOXONE ADMINISTRATION-REGULATION

Representative Wachtmann moved to amend the title as follows:

Add the names: "Barnes, Bishoff, Brown, Schuring, Sears, Smith."

LYNN R. WACHTMANN	ANNE GONZALES
NICKIE J. ANTONIO	JOHN BARNES
HEATHER BISHOFF	TIM W. BROWN
JOHN PATRICK CARNEY	ROBERT F. HAGAN
BRIAN HILL	RON HOOD
JAY HOTTINGER	TERRY JOHNSON
MATT LYNCH	RON MAAG
DAN RAMOS	KIRK SCHURING
BARBARA R. SEARS	RYAN SMITH

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

MESSAGE FROM THE SPEAKER

Pursuant to Section 747.10 of Am. Sub. H.B. 59, 130th General Assembly, the Speaker hereby appoints the following public members to the Ohio Cemetery Law Task Force:

Stephen George – representing the Ohio Historical Society;

David Snyder – representing archeologists;

Daniel Applegate – representing private cemeteries.

MESSAGE FROM THE SPEAKER

Pursuant to Section 1513.29 of the Ohio Revised Code, the Speaker hereby appoints Representative Landis to the Council on Unreclaimed Strip Mined Lands.

MESSAGE FROM THE SPEAKER

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes changes to the following committees:

State and Local Government:
remove Representative Sykes;
appoint Representative Sheehy.

Economic Development and Regulatory Reform:
remove Representative Bishoff;
appoint Representative Sheehy.

On motion of Representative Ruhl, the House adjourned until Wednesday, October 2, 2013 at 1:30 o'clock p.m.

Attest:

ALI N. SAGRAVES,
Special Assistant to the Clerk.