Section 4723.01  Definitions

As used in this chapter:

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

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

1. Identifying patterns of human responses to actual or potential health problems amenable to a nursing regimen;
2. Executing a nursing regimen through the selection, performance, management, and evaluation of nursing actions;
3. Assessing health status for the purpose of providing nursing care;
4. Providing health counseling and health teaching;
5. Administering medications, treatments, and executing regimens authorized by an individual who is authorized to practice in this state and is acting within the course of the individual’s professional practice;
6. Teaching, administering, supervising, delegating, and evaluating nursing practice.

(C) “Nursing regimen” may include preventative, restorative, and health-promotion activities.

(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.

(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.

(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 a licensed physician, dentist, podiatrist, optometrist, chiropractor, or registered nurse. Such nursing care includes:

1. Observation, patient teaching, and care in a diversity of health care settings;
2. Contributions to the planning, implementation, and evaluation of nursing;
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, except that administration of intravenous therapy shall be performed only in accordance with section 4723.17 or 4723.171 of the Revised Code. Medications may be administered by a licensed practical nurse upon proof of completion of a course in medication administration approved by the Board of Nursing.
4. Administration to an adult of intravenous therapy 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 or 4723.171 of the Revised Code to perform intravenous therapy and performs intravenous therapy only in accordance with those sections.

(G) “Certified registered nurse anesthetist” means a registered nurse who holds a valid certificate of authority issued under this chapter that authorizes the practice of nursing as a certified registered nurse anesthetist in accordance with section 4723.43 of the Revised Code and rules adopted by the Board of Nursing.

(H) “Clinical nurse specialist” means a registered nurse who holds a valid certificate of authority issued under this chapter that authorizes the practice of nursing as a clinical nurse specialist in accordance with section 4723.43 of the Revised Code and rules adopted by the Board of Nursing.

(I) “Certified nurse-midwife” means a registered nurse who holds a valid certificate of authority issued under this chapter that authorizes the practice of nursing as a certified nurse-midwife in accordance with section 4723.43 of the Revised Code and rules adopted by the Board of Nursing.

(J) “Certified nurse practitioner” means a registered nurse who holds a valid certificate of authority issued under this chapter that authorizes the practice of nursing as a certified nurse practitioner in accordance with section 4723.43 of the Revised Code and rules adopted by the Board of Nursing.

(K) “Physician” means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(L) “Collaboration” or “collaborating” means the following:

1. In the case of a clinical nurse specialist, except as provided in division (L)(3) of this section, or a certified nurse practitioner, that one or more podiatrists acting within the scope of practice of podiatry in accordance with section 4731.51 of the Revised Code and with whom the nurse has entered into a standard care arrangement or one or more physicians with whom the nurse has entered into a standard care arrangement are continuously available to communicate with the clinical nurse specialist or certified nurse practitioner either in person or by radio, telephone, or other form of telecommunication;
2. In the case of a certified nurse-midwife, that one or more physicians with whom the certified nurse-midwife has entered into a standard care arrangement are continuously available to communicate with the certified nurse-midwife either in person or by radio, telephone, or other form of telecommunication;
(3) In the case of a clinical nurse specialist who practices the nursing specialty of mental health or psychiatric mental health without being authorized to prescribe drugs and therapeutic devices, that one or more physicians are continuously available to communicate with the nurse either in person or by radio, telephone, or other form of telecommunication.

(M) “Supervision,” as it pertains to a certified registered nurse anesthetist, means that the certified registered nurse anesthetist is under the direction of a podiatrist acting within the podiatrist’s scope of practice in accordance with section 4731.51 of the Revised Code, a dentist acting within the dentist’s scope of practice in accordance with Chapter 4715. of the Revised Code, or a physician, and, when administering anesthesia, the certified registered nurse anesthetist is in the immediate presence of the podiatrist, dentist, or physician.

(N) “Standard care arrangement,” except as it pertains to an advanced practice nurse, means a written, formal guide for planning and evaluating a patient’s health care that is developed by one or more collaborating physicians or podiatrists and a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner and meets the requirements of section 4723.431 of the Revised Code.

(O) “Advanced practice nurse,” until three years and eight months after May 17, 2000, means a registered nurse who is approve by the Board of Nursing under section 4723.55 of the Revised Code to practice as an advanced practice nurse.

(P) “Dialysis care” means the care and procedures that a dialysis technician is authorized to provide and perform, as specified in section 4723.72 of the Revised Code.

(Q) “Dialysis technician” means an individual who holds a current, valid certificate or temporary certificate issued under this chapter that authorizes the individual to practice as a dialysis technician in accordance with section 4723.72 of the Revised Code.

(R) “Certified community health worker” means an individual who holds a current, valid certificate as a community health worker issued by the board of nursing under section 4723.85 of the Revised Code.

[Effective September 26, 2003]

Section 4723.02 Board of Nursing

The Board of Nursing shall assume and exercise all the powers and perform all the duties conferred and imposed on it by this chapter.

The Board shall consist of thirteen members who shall be citizens of the United States and residents of Ohio. Eight members shall be registered nurses, each of whom shall be a graduate of an approved program of nursing education that prepares persons for licensure as a registered nurse, shall hold a currently active license issued under this chapter to practice nursing as a registered nurse, and shall have been actively engaged in the practice of nursing as a registered nurse for the five years immediately preceding the member’s initial appointment to the Board. Of the eight members who are registered nurses, at least one shall hold a valid certificate of authority issued under this chapter that authorizes the practice of nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner. Four members shall be licensed practical nurses, each of whom shall be a graduate of an approved program of nursing education that prepares persons for licensure as a practical nurse, shall hold a currently active license issued under this chapter to practice nursing as a licensed practical nurse, and shall have been actively engaged in the practice of nursing as a licensed practical nurse for the five years immediately preceding the member’s initial appointment to the Board. One member shall represent the interests of consumers of health care. Neither this member nor any person in the member’s immediate family shall be a member or associated with a health care provider or profession or shall have a financial interest in the delivery or financing of health care. Representation of nursing service and nursing education and of the various geographical areas of the state shall be considered in making appointments.

As the term of any member of the Board expires, a successor shall be appointed who has the qualifications the vacancy requires. Terms of office shall be for four years, commencing on the first day of January and ending on the thirty-first day of December.

A current or former board member who has served not more than one full term or one full term and not more than thirty months of another term may be reappointed for one additional term.

Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. The term of a member shall expire if the member ceases to meet any requirement of this section for the member’s position on the Board. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member’s predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member’s term until the member’s successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

Nursing organizations of this state may each submit to the governor the names of not more than five nominees for each position to be filled on the Board. From the names so submitted or from others, at the governor’s discretion, the governor with the advice and consent of the senate shall make such appointments.

Any member of the Board may be removed by the governor for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct, after a hearing as provided in Chapter 119. of the Revised Code.

Seven members of the Board including at least four registered nurses and at least one licensed practical nurse shall at all times constitute a quorum.

Each member of the Board shall receive an amount fixed pursuant to division (J) of section 124.15 of the Revised Code for each day in attendance at Board meetings and in discharge of official duties, and in addition thereto, necessary expense incurred in the performance of such duties.

The Board shall elect one of its nurse members as president and one as vice-president. The Board shall elect one of its registered nurse members to serve as the supervising member for disciplinary matters.
The Board may establish advisory groups to serve in consultation with the Board or the executive director. Each advisory group shall be given a specific charge in writing and shall report to the Board. Members of advisory groups shall serve without compensation but shall receive their actual and necessary expenses incurred in the performance of their official duties.

Section 4723.021 Immunity of Officials; Providing of Defense; Payment of Judgment, Compromise or Settlement

In the absence of fraud or bad faith, the Board of Nursing, a current or former Board member, an agent of the Board, a representative of the Board, an employee of the Board, or any entity that provides services related to remediation under the Board’s practice intervention and improvement program shall not be held liable in damages to any person as the result of any act, omission, proceeding, conduct, or decision related to official duties undertaken or performed pursuant to this chapter. If a member, agent, representative, employee, or entity asks to be defended by the state against any claim or action arising out of any act, omission, proceeding, conduct, or decision related to the requestor’s official duties, and the request is made in writing at a reasonable time before trial and the requestor cooperates in good faith in the defense of the claim or action, the state shall provide and pay for the requestor’s defense and shall pay any resulting judgment, compromise, or settlement. At no time shall the state pay any part of a claim or judgment that is for punitive or exemplary damages.

Section 4723.03 Unlicensed Practice of Nursing; Authorized Titles and Initials

A no person shall engage in the practice of nursing as a registered nurse, represent the person as being a registered nurse, or use the title “registered nurse,” the initials “R.N.,” or any other title implying that the person is a registered nurse, for a fee, salary, or other consideration, or as a volunteer, without holding a current, valid license as a registered nurse under this chapter.

B no person shall engage in the practice of nursing as a licensed practical nurse, represent the person as being a licensed practical nurse, or use the title “licensed practical nurse,” the initials “L.P.N.,” or any other title implying that the person is a licensed practical nurse, for a fee, salary, or other consideration, or as a volunteer, without holding a current, valid license as a practical nurse under this chapter.

C no person shall use the titles or initials “graduate nurse,” “G.N.,” “professional nurse,” “P.N.,” “graduate practical nurse,” “G.P.N.,” “practical nurse,” “P.N.,” “trained nurse,” “T.N.,” or any other statement, title, or initials that would imply or represent to the public that the person is authorized to practice nursing in this state, except as follows:

1. A person licensed under this chapter to practice nursing as a registered nurse may use that title and the initials “R.N.”;

2. A person licensed under this chapter to practice nursing as a licensed practical nurse may use that title and the initials “L.P.N.”;

3. A person authorized under this chapter to practice nursing as a certified nurse anesthetist may use that title, the initials “C.R.N.A.,” or “N.A.,” and any other title or initials approved by the Board;

4. A person authorized under this chapter to practice nursing as a clinical nurse specialist may use that title, the initials “C.N.S.,” and any other title or initials approved by the Board;

5. A person authorized under this chapter to practice nursing as a certified nurse-midwife may use that title, the initials “C.N.M.,” and any other title or initials approved by the Board;

6. A person authorized under this chapter to practice nursing as a certified nurse practitioner may use that title, the initials “C.N.P.,” and any other title or initials approved by the Board.

D no person shall employ a person not licensed as a registered nurse under this chapter to engage in the practice of nursing as a registered nurse. No person shall employ a person not licensed as a practical nurse under this chapter to engage in the practice of nursing as a licensed practical nurse.

E no person shall sell or fraudulently obtain or furnish any nursing diploma, license, certificate, renewal, or record, or aid or abet such acts.

Section 4723.05 Executive Director; Meetings; Seal; Employees

The Board of Nursing shall appoint an executive director, who shall be a registered nurse of this state with at least five years experience in the practice of nursing as a registered nurse, shall be a resident of this state during the term of appointment, and shall not be a member of the Board at the time of appointment or during the term of appointment. The Board shall meet at such times and places as it may direct and provide in its rules. The president may call special meetings, and the executive director shall call special meetings upon the written request of two or more Board members. The Board shall provide itself with a seal. The president and executive director may administer oaths. The executive director is the chief administrative officer of the Board and shall serve as a full time employee of the Board and shall be entitled to attend all meetings of the Board except meetings concerning the appointment and terms of employment of the executive director.
The term of the executive director shall be one year commencing on the first day of January. The executive director shall receive necessary expenses in addition to salary. The executive director shall give a surety bond to the state in such sum as the Board requires, and conditioned upon the faithful performance of the duties of executive director.

The executive director is an appointing authority as defined in section 124.01 of the Revised Code, and may appoint such nursing education consultants, nursing practice consultants, investigative personnel, and any additional employees for professional, clerical, and special work necessary to carry out the Board’s functions and with the Board’s approval, may establish standards for the conduct of employees.

[Effective June 14, 1988]

Section 4723.06 Powers and Duties of the Board

(A) The Board of Nursing shall:

1. Administer and enforce the provisions of this chapter, including the taking of disciplinary action for violations of section 4723.28 of the Revised Code, any other provisions of this chapter, or rules adopted under this chapter;

2. Develop criteria that an applicant must meet to be eligible to sit for the examination for licensure to practice as a registered nurse or as a licensed practical nurse;

3. Issue and renew nursing licenses, dialysis technician certificates, and community health worker certificates, as provided in this chapter;

4. Define the minimum curricula and standards for educational programs of the schools of professional nursing and schools of practical nursing in this state;

5. Survey, inspect, and grant full approval to prelicensure nursing education programs that meet the standards established by rules adopted under section 4723.07 of the Revised Code. Prelicensure nursing education programs include, but are not limited to, associate degree, baccalaureate degree, diploma, and doctor of nursing programs leading to initial licensure to practice nursing as a registered nurse and practical nurse programs leading to initial licensure to practice nursing as a licensed practical nurse;

6. Grant conditional approval, by a vote of a quorum of the Board, to a new prelicensure nursing education program or a program that is being reestablished after having ceased to operate, if the program meets and maintains the minimum standards of the Board established by rules adopted under section 4723.07 of the Revised Code. If the Board does not grant conditional approval, it shall hold an adjudication under Chapter 119. of the Revised Code to consider conditional approval of the program. If the Board grants conditional approval, at its first meeting after the first class has completed the program, the Board shall determine whether to grant full approval to the program. If the Board does not grant full approval or if it appears that the program has failed to meet and maintain standards established by rules adopted under section 4723.07 of the Revised Code, the Board shall hold an adjudication under Chapter 119. of the Revised Code to consider the program. Based on results of the adjudication, the Board may continue or withdraw conditional approval, or grant full approval;

7. Place on provisional approval, for a period of time specified by the Board, a program that has ceased to meet and maintain the minimum standards of the Board established by rules adopted under section 4723.07 of the Revised Code. At the end of the period, the Board shall reconsider whether the program meets the standards and shall grant full approval if it does. If it does not, the Board may withdraw approval, pursuant to an adjudication under Chapter 119. of the Revised Code;

8. Approve continuing nursing education programs and courses under standards established in rules adopted under section 4723.07 of the Revised Code;

9. Approve peer support programs, under rules adopted under section 4723.07 of the Revised Code, for nurses, for dialysis technicians, and for certified community health workers;

10. Establish a program for monitoring chemical dependency in accordance with section 4723.35 of the Revised Code;

11. Establish the practice intervention and improvement program in accordance with section 4723.282 of the Revised Code;

12. Issue and renew certificates of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;

13. Approve under section 4723.46 of the Revised Code national certifying organizations for examination and certification of certified registered nurse anesthetists, clinical nurse specialists, certified nurse-midwives, and certified nurse practitioners;

14. Issue and renew certificates to prescribe in accordance with sections 4723.48 and 4723.485 of the Revised Code;

15. Grant approval to the planned classroom and clinical study required by section 4723.483 of the Revised Code to be eligible for a certificate to prescribe;

16. Make an annual edition of the formulary established in rules adopted under section 4723.50 of the Revised Code available to the public either in printed form or by electronic means and, as soon as possible after any revision of the formulary becomes effective, make the revision available to the public in printed form or by electronic means;

17. Provide guidance and make recommendations to the general assembly, the governor, state agencies, and the federal government with respect to the regulation of the practice of nursing and the enforcement of this chapter;

18. Make an annual report to the governor, which shall be open for public inspection;
(19) Maintain and have open for public inspection the following records:
   (a) A record of all its meetings and proceedings;
   (b) A file of holders of nursing licenses, registrations, and certificates granted under this chapter; dialysis technician certificates granted under this chapter; and community health worker certificates granted under this chapter. The file shall be maintained in the form prescribed by rule of the Board;
   (c) A list of prelicensure nursing education programs approved by the Board;
   (d) A list of approved peer support programs for nurses, dialysis technicians, and certified community health workers.

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

   Persons seeking authorization to approve continuing nursing education programs and courses shall apply to the Board and pay the appropriate fee established under section 4723.08 of the Revised Code. Authorizations to approve continuing nursing education programs and courses shall expire, and may be renewed according to the schedule established in rules adopted under section 4723.07 of the Revised Code.

   In addition to approving continuing nursing education programs under division (A)(8) of this section, the board may sponsor continuing education activities that are directly related to the statutes and rules pertaining to the practice of nursing in this state.

   [Effective June 26, 2003]

Section 4723.061 Minor Violations

This chapter does not require the Board of Nursing to act on minor violations of this chapter or the rules adopted under it, if the violations are committed by individuals licensed under this chapter and the Board determines that the public is adequately protected by issuing a notice or warning to the alleged offender.

   [Effective April 10, 2001]

Section 4723.062 Nursing Special Issue Fund

The Board of Nursing may solicit and accept grants and services to develop and maintain a program that addresses patient safety and health care issues related to the supply of and demand for nurses and other health care workers. The Board shall not solicit or accept a grant or service that interferes with the Board’s independence or objectivity.

   All money received by the Board under this section shall be deposited into the nursing special issue fund which is hereby created in the state treasury. The Board shall use money in the fund to pay the costs it incurs in implementing this section.

   [Effective September 5, 2001]

Section 4723.063 Nurse Education Grant Program

   (To be repealed December 31, 2013 pursuant to Section 3.19 of Am. Sub. H.B. 215 of the 125th G.A.)

   (A) As used in this section:
      (1) “Health care facility” means:
          (a) A hospital registered under section 3701.07 of the Revised Code;
          (b) A nursing home licensed under section 3721.02 of the Revised Code, or by a political subdivision certified under section 3721.09 of the Revised Code;
          (c) A county home or a county nursing home as defined in section 5155.31 of the Revised Code that is certified under Title XVIII or XIX of the “Social Security Act,” 49 Stat. 620 (1935), 42 U.S.C. 301, amended;
          (d) A freestanding dialysis center;
          (e) A freestanding inpatient rehabilitation facility;
          (f) An ambulatory surgical facility;
          (g) A freestanding cardiac catheterization facility;
          (h) A freestanding birthing center;
          (i) A freestanding or mobile diagnostic imaging center;
          (j) A freestanding radiation therapy center.
      (2) “Nurse education program” means a prelicensure nurse education program approved by the board of nursing under section 4723.06 of the Revised Code or a postlicensure nurse education program approved by the board of regents under section 3333.04 of the Revised Code.

   (B) The state board of nursing shall establish and administer the nurse education grant program. Under the program, the board shall award grants to nurse education programs that have partnerships with other education programs, community health agencies, or health care facilities. Grant recipients shall use the money to fund partnerships to increase the nurse education program’s enrollment capacity. Methods of increasing a program’s enrollment capacity may include hiring faculty and preceptors, purchasing educational
In awarding grants, the board shall give preference to partnerships between nurse education programs and hospitals, nursing homes, and county homes or county nursing homes, but may also award grants to fund partnerships between nurse education programs and other health care facilities.

In awarding grants, the board shall give preference to partnerships between nurse education programs and hospitals, nursing homes, and county homes or county nursing homes, but may also award grants to fund partnerships between nurse education programs and other health care facilities.

(C) The board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing the following:

1. Eligibility requirements for receipt of a grant;
2. Grant application forms and procedures;
3. The amounts in which grants may be made and the total amount that may be awarded to a nurse education program that has a partnership with other education programs, a community health agency, or a health care facility;
4. A method whereby the board may evaluate the effectiveness of a partnership between joint recipients in increasing the nurse education program’s enrollment capacity;
5. The percentage of the money in the fund that must remain in the fund at all times to maintain a fiscally responsible fund balance;
6. The percentage of available grants to be awarded to licensed practical nurse education programs, registered nurse education programs, and graduate programs;
7. Any other matters incidental to the operation of the program.

(D) From January 1, 2004, until December 31, 2013, the ten dollars of each biennial nursing license renewal fee collected under section 4723.08 of the Revised Code shall be dedicated to the nurse education grant program fund, which is hereby created in the state treasury. The board shall use money in the fund for grants awarded under division (A) of this section and for expenses of administering the grant program. The amount used for administrative expenses in any year shall not exceed ten per cent of the amount transferred to the fund in that year.

(E) Each quarter, for the purposes of transferring funds to the nurse education grant program, the board of nursing shall certify to the director of budget and management the number of biennial licenses renewed under this chapter during the preceding quarter and the amount equal to that number times ten dollars.

(F) Notwithstanding the requirements of section 4743.05 of the Revised Code, from January 1, 2004, until December 31, 2013, at the end of each quarter, the director of budget and management shall transfer from the occupational licensing and regulatory fund to the nurse education grant program fund the amount certified under division (E) of this section.

Section 4723.07 Rules

In accordance with Chapter 119. of the Revised Code, the Board of Nursing shall adopt and may amend and rescind rules that establish all of the following:

(A) Provisions for the Board’s government and control of its actions and business affairs;
(B) Minimum curricula and 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;
(C) Criteria that applicants for licensure must meet to be eligible to take examinations for licensure;
(D) Standards and procedures for renewal of the licenses and certificates issued by the Board;
(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;
(F) Standards that persons must meet to be authorized by the Board to approve continuing nursing education programs and courses and a schedule by which that authorization expires and may be renewed;
(G) Requirements, including continuing education requirements, for restoring inactive nursing licenses, dialysis technician certificates, and community health worker certificates, and for restoring nursing licenses, dialysis technician certificates, and community health worker certificates that have lapsed through failure to renew;
(H) Conditions that may be imposed for reinstatement of a nursing license, dialysis technician certificate, or community health worker certificate following action taken under section 3123.47, 4723.28, 4723.281, or 4723.86 of the Revised Code resulting in a license or certificate suspension;
(I) Standards for approval of peer support programs for persons who hold a nursing license, dialysis technician certificate, or community health worker certificate;
(J) Requirements for Board approval of courses in medication administration by licensed practical nurses;
(K) Criteria for evaluating the qualifications of an applicant for a license to practice nursing as a registered nurse or licensed practical nurse, a certificate of authority issued under division (E) of section 4723.41 of the Revised Code, a dialysis technician
certificate, or a community health worker certificate by the Board’s endorsement of the applicant’s authority to practice issued by the licensing agency of another state;

(L) Universal blood and body fluid precautions that shall be used by each person holding a nursing license or dialysis technician certificate issued under this chapter who performs exposure-prone invasive procedures. The rules shall define and establish requirements for universal blood and body fluid precautions that include the following:

(1) Appropriate use of handwashing;
(2) Disinfection and sterilization of equipment;
(3) Handling and disposal of needles and other sharp instruments;
(4) Wearing and disposal of gloves and other protective garments and devices;

(M) 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;

(N) Quality assurance standards for certified registered nurse anesthetists, clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners;

(O) 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 nurse practitioner and the nurse’s collaborating physician or podiatrist;

(P) Continuing education standards for clinical nurse specialists who are exempt under division (C) of section 4723.41 of the Revised Code from the requirement of having passed a certification examination;

(Q) For purposes of division (B)(31) of section 4723.28 of the Revised Code, the actions, omissions, or other circumstances that constitute failure to establish and maintain professional boundaries with a patient.

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

[Effective September 26, 2003]

Section 4723.071 MR/DD Personnel who Administer Medication and Perform Health-Related Activities and Tube Feedings

(A) As used in this section, “health-related activities,” “MR/DD personnel,” “prescribed medication,” and “tube feeding” have the same meanings as in section 5123.41 of the Revised Code.

(B) The Board of Nursing shall adopt rules as it considers necessary to govern nursing delegation as it applies to MR/DD personnel who administer prescribed medications, perform health-related activities, and perform tube feedings pursuant to the authority granted under section 5123.42 of the Revised Code. The board shall not establish in the rules any requirement that is inconsistent with the authority of MR/DD personnel granted under that section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(C) The Board of Nursing may accept complaints from any person of government entity regarding the performance or qualifications of MR/DD personnel who administer prescribed medications, perform health-related activities, and perform tube feedings pursuant to the authority granted under section 5123.42 of the Revised Code. The board shall refer all complaints received to the Department of Mental Retardation and Developmental Disabilities. The board may participate in an investigation of a complaint being conducted by the department under section 5123.421 of the Revised Code.

[Effective March 31, 2003]

Section 4723.08 Fees

(A) The Board of Nursing may impose fees not to exceed the following limits:

(1) For application for licensure by examination to practice nursing as a registered nurse or as a licensed practical nurse, seventy-five dollars;
(2) For application for licensure by endorsement to practice nursing as a registered nurse or as a licensed practical nurse, seventy-five dollars;
(3) For application for a certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, one hundred dollars;
(4) For application for a temporary dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;
(5) For application for a full dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;
(6) For application for a certificate to prescribe, fifty dollars;
(7) For verification of a nursing license, certificate of authority, or dialysis technician certificate to another jurisdiction, fifteen dollars;
(8) For providing a replacement copy of a nursing license, certificate of authority, certificate to prescribe, dialysis technician certificate, intravenous therapy card, or frameable certificate, twenty-five dollars;
(9) For biennial renewal of a nursing license that expires on or after August 31, 2003, but before January 1, 2004, forty-five dollars;
(10) For biennial renewal of a nursing license that expires on or after January 1, 2004, sixty-five dollars;
(11) For biennial renewal of a certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, that expires on or after August 31, 2005, one hundred dollars;
(12) For biennial renewal of a certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, that expires on or after September 1, 2005, eighty-five dollars;
(13) For renewal of a certificate to prescribe, fifty dollars;
(14) For biennial renewal of a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;
(15) For processing a late application for renewal of a nursing license, certificate of authority, or dialysis technician certificate, fifty dollars;
(16) For application for authorization to approve continuing nursing education programs and courses from an applicant accredited by a national accreditation system for nursing, five hundred dollars;
(17) For application for authorization to approve continuing nursing education programs and courses from an applicant not accredited by a national accreditation system for nursing, one thousand dollars;
(18) For each year for which authorization to approve continuing nursing education programs and courses is renewed, one hundred fifty dollars;
(19) For application for approval to operate a dialysis training program, the amount specified in rules adopted under section 4723.79 of the Revised Code;
(20) For reinstatement of a lapsed nursing license, certificate of authority, or dialysis technician certificate, one hundred dollars;
(21) For written verification of a nursing license, certificate of authority, or dialysis technician certificate, when the verification is performed for purposes other than providing verification to another jurisdiction, five dollars;
(22) For processing a check returned to the Board by a financial institution as noncollectible, twenty-five dollars;
(23) For issuance of an intravenous therapy card for which a fee may be charged under section 4723.17 of the Revised Code, twenty-five dollars;
(24) For out-of-state survey visits of nursing education programs operating in Ohio, two thousand dollars;
(25) The amounts specified in rules adopted under section 4723.88 of the Revised code pertaining to the issuance of certificates to community health workers, including fees for application for a certificate, verification of a certificate to another jurisdiction, written verification of a certificate when the verification is performed for purposes other than verification to another jurisdiction, providing a replacement copy of a certificate, biennial renewal of a certificate, processing a late application for renewal of a certificate, reinstatement of a lapsed certificate, application for approval of a community health worker training program for community health workers, and biennial renewal of the approval of a training program for community health workers.

(B) Each quarter, for purposes of transferring funds under section 4743.05 of the Revised Code to the nurse education assistance fund created in section 3333.28 of the Revised Code, the Board of Nursing shall certify to the director of budget and management the number of biennial licenses renewed under this chapter during the preceding quarter and the amount equal to that number times five dollars.

(C) The Board may charge a participant in a board-sponsored continuing education activity an amount not exceeding fifteen dollars for each activity.

(D) The Board may contract for services pertaining to the process of providing written verification of a nursing license, certificate of authority, dialysis technician certificate, or community health worker certificate when the verification is performed for purposes other than providing verification to another jurisdiction. The contract may include provisions pertaining to the collection of the fee charged for providing the written verification. As part of these provisions, the Board may permit the contractor to retain a portion of the fees as compensation, before any amounts are deposited into the state treasury.

[Effective June 26, 2003]

Section 4723.081 Fees in Excess of Statutory Limits
The Board of Nursing, subject to the approval of the controlling board, may establish fees in excess of the amounts provided by section 4723.08 of the Revised Code, provided that such fees do not exceed those amounts by more than fifty percent.
[Effective April 10, 2001]

Section 4723.082 Deposits of Receipts; Vouchers
(A) Except as provided in section 4723.062 of the Revised Code and division (B) of this section, all receipts of the Board of Nursing, from any source, shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund.

(B) All receipts from board-sponsored continuing education activities shall be deposited in the state treasury to the credit of the special nursing issue fund created by section 4723.062 of the Revised Code.

(C) All vouchers of the Board shall be approved by the Board president or executive director, or both, as authorized by the Board.

[Effective June 26, 2003]

Section 4723.09 Application for License; Temporary Permit

(A)(1) An application for licensure by examination to practice as a registered nurse or as a licensed practical nurse shall be submitted to the Board of Nursing in the form prescribed by rules of the Board. The application shall include evidence that the applicant has completed requirements of a nursing education program approved by the Board or approved by another jurisdiction’s board that regulates nurse licensure. The application also shall include any other information required by rules of the Board. The application shall be accompanied by the application fee required by section 4723.08 of the Revised Code.

(2) The Board shall grant a license to practice nursing as a registered nurse or as a licensed practical nurse if all of the following apply:
   (a) For all applicants, the applicant passes the examination accepted by the Board under section 4723.10 of the Revised Code.
   (b) For an applicant who entered a prelicensure nursing education program on or after June 1, 2003, the criminal records check of the applicant that is completed by the bureau of criminal identification and investigation and includes a check of federal bureau of investigation records and that the bureau submits to the Board indicates that the applicant has not been convicted of, has not pleaded guilty to, and has not had a judicial finding of guilt for violating sections 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, or 2911.11 of the Revised Code or a substantially similar law of another state, the United States, or another country.
   (c) For all applicants, the Board determines that the applicant has not committed any act that is grounds for disciplinary action under section 3123.47 or 4723.28 of the Revised Code or determines that an applicant who has committed any act that is grounds for disciplinary action under either section has made restitution or has been rehabilitated, or both.

(3) The Board is not required to afford an adjudication to an individual to whom it has refused to grant a license because of that individual’s failure to pass the examination.

(B) An application for license by endorsement to practice nursing as a registered nurse or as a licensed practical nurse shall be submitted to the Board in the form prescribed by rules of the Board and shall be accompanied by the application fee required by section 4723.08 of the Revised Code. The application shall include evidence that the applicant holds a current, active license; the applicant is not prohibited from obtaining a license to practice nursing in this state as a registered nurse or as a licensed practical nurse; the applicant has not committed any act that is grounds for disciplinary action under any of those sections has made restitution or has been rehabilitated, or both.

The Board may grant a nonrenewable temporary permit to practice nursing as a registered nurse or as a licensed practical nurse to an applicant for license by endorsement if the Board is satisfied by the evidence that the applicant holds a current, active license in good standing in another jurisdiction. Subject to earlier automatic termination as described in this paragraph, the temporary permit shall expire at the earlier of one hundred eighty days after issuance or upon the issuance of a license by endorsement. The temporary permit shall terminate automatically if the criminal records check completed by the bureau of criminal identification and investigation as described in this section regarding the applicant indicates that the applicant previously has been convicted of, pleaded guilty to, or had a judicial finding of guilt for a violation of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, or 2911.11 of the Revised Code or a substantially similar law of another state, the United States, or another country. An applicant whose temporary permit is automatically terminated is permanently prohibited from obtaining a license to practice nursing in this state as a registered nurse or as a licensed practical nurse.
(C) An applicant under this section shall submit a request to the bureau of criminal identification and investigation for a criminal records check of the applicant. The request shall be on the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code, accompanied by a standard impression sheet to obtain fingerprints prescribed pursuant to division (C)(2) of that section, and accompanied by the fee prescribed pursuant to division (C)(3) of that section. Upon receipt of the completed form, the completed impression sheet, and the fee, the bureau shall conduct a criminal records check of the applicant. Upon completion of the criminal records check, the bureau shall send the results of the check to the Board. An applicant requesting a criminal records check under this division shall ask the superintendent of the bureau of criminal identification and investigation to also request the federal bureau of investigation to provide the superintendent with any information it has with respect to the applicant.

The results of any criminal records check conducted pursuant to a request made under this section, and any report containing those results, are not public records for purposes of section 149.43 of the Revised Code and shall not be made available to any person or for any purpose other than the following:

1. The results may be made available to any person for use in determining under this section and division (N) of section 4723.28 of the Revised Code whether the individual who is the subject of the check should be granted a license to practice nursing as a registered nurse or as a licensed practical nurse or whether any temporary permit granted to the individual under this section has terminated automatically.

2. The results may be made available to the individual who is the subject of the check or that individual’s representative.

[Effective July 8, 2002]

Section 4723.10 Use of National Standardized Nursing Examination

With respect to individuals applying for licensure by examination, the Board of Nursing shall accept all or any part of the licensure examination of the National Council of State Boards of Nursing or any other national standardized nursing examination that the Board considers to be an appropriate measure of whether a person is competent to commence practicing nursing as a registered nurse or as a licensed practical nurse. If the Board incurs any cost in its acceptance of an examination under this section or in making the accepted examination available to applicants, the Board may require applicants for licensure by examination to pay an amount sufficient to cover the cost incurred.

[Effective April 10, 2001]

Section 4723.15 Former Certificate or License Still Valid

(A) A certificate of registration to practice professional nursing as a registered nurse issued by the state nurses board or the Board of Nursing Education and Nurse Registration under former provisions of this chapter or by the Nurses’ Examining Committee of the state medical board as provided in former sections 1295-01 to 1295-20 and 1347 et seq. of the General Code shall remain valid and shall confer the same privileges and impose the same responsibilities and requirements as a license issued by the Board of Nursing under this chapter on or after June 14, 1988.

(B) A license to practice practical nursing as a licensed practical nurse issued by the Board of Nursing Education and Nurse Registration under former provisions of this chapter shall remain valid and shall confer the same privileges and impose the same responsibilities and requirements as a license issued by the Board of Nursing under this chapter on or after June 14, 1988.

(C) Any person who on June 14, 1988, holds a current, valid certificate or license to practice nursing as a registered nurse or as a licensed practical nurse in this state shall, for the purposes of this chapter, be deemed to hold a license.

(D) Any licensed practical nurse who on June 14, 1988, holds proof of successful completion of a course in medication administration approved by the Board of Nursing shall be considered to be qualified to administer medication as defined in division (F)(3) of section 4723.01 of the Revised Code.

[Effective April 10, 2001]

Section 4723.151 Practice of Medicine Prohibited; Exceptions; Abortion

(A) Medical diagnosis, prescription of medical measures, and the practice of medicine or surgery or any of its branches by a nurse are prohibited.

(B) Division (A) of this section does not prohibit a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner from practicing within the nurse’s scope of practice in accordance with section 4723.43 of the Revised Code. Division (A) of this section does not prohibit 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 from prescribing drugs and therapeutic devises in accordance with section 4723.481 of the Revised Code.

(C) Notwithstanding division (B) of this section, nothing in this chapter shall be construed as authorizing any person to prescribe any drug or device to perform or induce an abortion, or to otherwise perform or induce an abortion.

[Effective May 17, 2000]

Section 4723.16 Authorized Forms of Business Entities for Providing Services
(A) An individual whom the Board of Nursing licenses, certifies, or otherwise legally authorizes to engage in the practice of nursing as a registered nurse or as a licensed practical nurse may render the professional services of a registered or licensed practical nurse within this state through a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership, or a professional association formed under Chapter 1785. of the Revised Code. This division does not preclude an individual of that nature from rendering professional services as a registered or licensed practical nurse through another form of business entity, including but not limited to, a nonprofit corporation or foundation, or in another manner that is authorized by or in accordance with this chapter, another chapter of the Revised Code, or rules of the Board of Nursing adopted pursuant to this chapter.

(B) A corporation, limited liability company, partnership, or professional association described in division (A) of this section may be formed for the purpose of providing a combination of the professional services of the following individuals who are licensed, certified, or otherwise legally authorized to practice their respective professions:

1. Optometrists who are authorized to practice optometry under Chapter 4725. of the Revised Code;
2. Chiropractors who are authorized to practice chiropractic under Chapter 4734. of the Revised Code;
3. Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;
4. Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under this chapter;
5. Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;
6. Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.53 of the Revised Code;
7. Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;
8. Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are licensed, certified, or otherwise legally authorized for their respective practices under Chapter 4731. of the Revised Code.

This division shall apply notwithstanding a provision of a code of ethics applicable to a nurse that prohibits a registered or licensed practical nurse from engaging in the practice of nursing as a registered nurse or as a licensed practical nurse in combination with a person who is licensed, certified, or otherwise legally authorized to practice optometry, chiropractic, psychology, pharmacy, physical therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, but who is not also licensed, certified, or otherwise legally authorized to engage in the practice of nursing as a registered nurse or as a licensed practical nurse.

[Effective March 22, 1999]

Section 4723.17 Requirements for Administration of Intravenous Therapy by Licensed Practical Nurses

(A) The Board of Nursing may authorize a licensed practical nurse to administer to an adult intravenous therapy authorized by an individual who is authorized to practice in this state and is acting within the course of the individual’s professional practice, if the licensed practical nurse has a current, valid license issued under this chapter that includes authorization to administer medications and one of the following is the case:

1. The nurse has successfully completed, within a practical nurse prelicensure education program approved by the Board or by another jurisdiction’s agency that regulates the practice of nursing, a course of study that prepares the nurse to safely perform the intravenous therapy procedures the Board may authorize under this section. To meet this requirement, the course of study must include all of the following:
   (a) Both didactic and clinical components;
   (b) Curriculum requirements established in rules the Board of Nursing shall adopt in accordance with Chapter 119. of the Revised Code;
   (c) Standards that require the nurse to perform a successful demonstration of the intravenous procedures, including all skills needed to perform them safely;
2. The nurse has successfully completed a minimum of forty hours of training that includes all of the following:
   (a) The curriculum established by rules adopted by the Board and in effect on January 1, 1999;
   (b) Training in the anatomy and physiology of the cardiovascular system, signs and symptoms of local and systemic complications in the administration of fluids and antibiotic additives, and guidelines for management of these complications;
   (c) Any other training or instruction the Board considers appropriate.
   (d) A testing component that requires the nurse to perform a successful demonstration of the intravenous procedures, including all skills needed to perform them safely.

(B) Except as provided in section 4723.171 of the Revised Code, a licensed practical nurse may perform intravenous therapy only if authorized by the Board pursuant to division (A) of this section and only if it is performed in accordance with this section.

A licensed practical nurse authorized by the Board to perform intravenous therapy may perform an intravenous therapy procedure only at the direction of one of the following:
(1) A licensed physician, dentist, optometrist, or podiatrist who, except as provided in division (C)(2) of this section, is present and readily available at the facility where the intravenous therapy procedure is performed;

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

(C)(1) Except as provided in division (C)(2) of this section and section 4723.171 of the Revised Code, when a licensed practical nurse authorized by the Board to perform intravenous therapy performs an intravenous therapy procedure at the direction of a registered nurse, the registered nurse or another registered nurse shall be readily available at the site where the intravenous therapy is performed, and before the licensed practical nurse initiates the intravenous therapy, the registered nurse shall personally perform an on-site assessment of the individual who is to receive the intravenous therapy.

(2) When a licensed practical nurse authorized by the Board to perform intravenous therapy performs an intravenous therapy procedure in a home as defined in section 3721.10 of the Revised Code, or in an intermediate care facility for the mentally retarded as defined in section 5111.20 of the Revised Code, at the direction of a registered nurse or licensed physician, dentist, optometrist, or podiatrist, a registered nurse shall be on the premises of the home or facility or accessible by some form of telecommunication.

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

(1) Initiating or maintaining any of the following:
   (a) Blood or blood components;
   (b) Solutions for total parenteral nutrition;
   (c) Any cancer therapeutic medication including, but not limited to, cancer chemotherapy or an anti-neoplastic agent;
   (d) Solutions administered through any central venous line or arterial line or any other line that does not terminate in a peripheral vein, except that a licensed practical nurse authorized by the Board to perform intravenous therapy may maintain the solutions specified in division (D)(6)(a) of this section that are being administered through a central venous line or peripherally inserted central catheter;
   (e) Any investigational or experimental medication.

(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;

(3) Discontinuing a central venous, arterial, or any other line that does not terminate in a peripheral vein;

(4) Initiating or discontinuing a peripherally inserted central catheter;

(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;

(6) Administering medication via the intravenous route, including all of the following activities:
   (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 either of the following:
      (i) Initiate an intravenous infusion containing one or more of the following elements: dextrose 5%; normal saline; lactated ringers; sodium chloride 0.45%; sodium chloride 0.2%; sterile water;
      (ii) Hang subsequent containers of the intravenous solutions specified in division (D)(6)(a) of this section that contain vitamins or electrolytes, if a registered nurse initiated the infusion of that same intravenous solution;
   (b) Initiating or maintaining an intravenous piggyback infusion, except that a licensed practical nurse authorized by the Board to perform intravenous therapy may initiate or maintain an intravenous piggyback infusion containing an antibiotic additive;
   (c) Injecting medication via a direct intravenous route, except that a licensed practical nurse authorized by the Board to perform intravenous therapy may inject heparin or normal saline to flush an intermittent infusion devise or heparin lock including, but not limited to, bolus or push;

(7) Aspirating any intravenous line to maintain patency;

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

(9) Programming or setting any function of a patient controlled infusion pump.

(E) Notwithstanding division (D) of this section, at the direction of a licensed physician or a registered nurse, a licensed practical nurse authorized by the Board to perform intravenous therapy may perform the following activities for the purpose of performing dialysis:

(1) The routine administration and regulation of saline solution for the purpose of maintaining an established fluid plan;
(2) The administration of a heparin dose intravenously;
(3) The administration of a heparin dose peripherally via a fistula needle;
(4) The loading and activation of a constant infusion pump or the intermittent injection of a dose of medication prescribed by a licensed physician for dialysis.
(F) No person shall employ or direct a licensed practical nurse to perform an intravenous therapy procedure without first verifying that the licensed practical nurse is authorized by the Board to perform intravenous therapy.

(G) The Board shall issue an intravenous therapy card to the licensed practical nurses authorized pursuant to division (A) of this section to perform intravenous therapy. A fee for issuing the card shall not be charged under section 4723.08 of the Revised Code if the licensed practical nurse receives the card by meeting the requirements of division (A)(1) of this section. The Board shall maintain a registry of the names of licensed practical nurses who hold intravenous therapy cards.

Section 4723.171 Intravenous Therapy Procedures Performed by a Licensed Practical Nurse

(A) A licensed practical nurse may perform on any person any of the intravenous therapy procedures specified in division (B) of this section without receiving authorization to perform intravenous therapy from the Board of Nursing under section 4723.17 of the Revised Code, if both of the following apply:

1. The licensed practical nurse acts at the direction of a registered nurse or a licensed physician, dentist, optometrist, or podiatrist and the registered nurse, physician, dentist, optometrist, or podiatrist is on the premises where the procedure is to be performed or accessible by some form of telecommunication.

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

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

1. Verification of the type of peripheral intravenous solution being administered;
2. Examination of a peripheral infusion site and the extremity for possible infiltration;
3. Regulation of a peripheral intravenous infusion according to the prescribed flow rate;
4. Discontinuation of a peripheral intravenous device at the appropriate time;
5. Performance of routine dressing changes at the insertion site of a peripheral venous or arterial infusion, peripherally inserted central catheter infusion, or central venous pressure subclavian infusion.

Section 4723.24 License Renewal; Notice of Change of Address or Name; Continuing Education; Inactive License

(A) All active licenses issued under this chapter shall be renewed biennially according to a schedule established by the Board of Nursing. The Board shall provide an application for renewal to every holder of an active license, except when the Board is aware that an individual is ineligible for license renewal for any reason, including pending criminal charges in this state or jurisdiction, failure to comply with a disciplinary order from the Board or terms of a consent agreement entered into with the Board, failure to pay fines or fees owed to the Board, or failure to provide on the Board’s request documentation of having completed the continuing nursing education requirements specified in division (C) of this section.

If the Board provides a renewal application by mail, the application shall be addressed to the last known post office address of the holder and mailed before the date specified in the Board’s schedule. Failure of the holder to receive an application for renewal from the Board shall not excuse the holder from the requirements contained in this section.

The license holder shall complete the renewal form and return it to the treasurer of state with the renewal fee required by section 4723.08 of the Revised Code on or before the date specified by the Board. The license holder shall report any conviction, plea, or judicial finding regarding a criminal offense that constitutes grounds for the Board to impose sanctions under section 4723.28 of the Revised Code since the holder last submitted an application to the Board.

The treasurer shall immediately forward the renewal application to the Board. On receipt of the renewal application, the Board shall verify that the applicant meets the renewal requirements and shall renew the license for the following two-year period.

If a renewal application that meets the renewal requirements is submitted after the date specified in the Board’s schedule, but before expiration of the license, the Board shall grant a renewal upon payment of the late renewal fee authorized under section 4723.08 of the Revised Code.

(B) Every license holder shall give written notice to the Board of any change of name or address within thirty days of the change. The Board shall require the holder to document a change of name in a manner acceptable to the Board.

(C)(1) Except in the case of a first renewal after licensure by examination, to be eligible for renewal of an active license to practice nursing as a registered nurse or licensed practical nurse, each individual who holds an active license shall, in each two-year period specified by the Board, complete continuing nursing education as follows:

(a) For renewal of a license that was issued for a two-year renewal period, twenty-four hours of continuing nursing education;
(b) For renewal of a license that was issued for less than a two-year renewal period, the number of hours of continuing nursing education specified by the Board in rules adopted in accordance with Chapter 119. of the Revised Code;
(c) Of the hours of continuing nursing education completed in any renewal period, at least one hour of the education must be directly related to the statutes and rules pertaining to the practice of nursing in this state.
(2) The Board shall adopt rules establishing the procedure for a license holder to certify to the Board completion of the required continuing nursing education. The Board may conduct a random sample of license holders and require that the license holders included in the sample submit satisfactory documentation of having completed the requirements for continuing nursing education. On the Board’s request, a license holder included in the sample shall submit the required documentation.

(3) An educational activity may be applied toward meeting the continuing nursing education requirement only if it is obtained through a program or course approved by the Board or person the Board has authorized to approve continuing nursing education programs and courses.

(4) The continuing education required of a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to obtain or maintain certification by a national certifying organization shall be applied toward the continuing education requirements for renewal of a license to practice nursing as a registered nurse.

(D) Except as otherwise provided in section 4723.28 of the Revised Code, a license holder who does not intend to practice in Ohio may send to the Board written notice of intent to, or commitment to, practice as a dialysis technician, for any reason other than a failure to renew, in Ohio or another state or jurisdiction; the Board shall classify the license as inactive. During the period that the license is classified as inactive, the holder may not engage in the practice of nursing in Ohio and is not required to pay the renewal fee.

The holder of an inactive license or an individual who has failed to renew the individual’s license may have the license restored or renewed upon meeting the requirements for restoring and renewing licenses established in rules adopted under section 4723.07 of the Revised Code.

[Effective April 10, 2001]

Section 4723.25 Courses Concerning Domestic Violence

The Board of Nursing shall approve one or more continuing education courses of study that comply with divisions (E) and (F) of section 4723.07 of the Revised Code and that assist registered nurses and licensed practical nurses in recognizing the signs of domestic violence and its relationship to child abuse. Nurses are not required to take the courses.

[Effective April 10, 2001]

Section 4723.271 Replacement of License or Certificate; Verification

The Board of Nursing shall provide a replacement copy of a nursing license, certificate of authority, dialysis technician certificate, or community health worker certificate issued under this chapter upon request of the holder accompanied by proper identification as prescribed in rules adopted by the Board and payment of the fee authorized under section 4723.08 of the Revised Code.

Upon request of the holder of a nursing license, certificate of authority, dialysis technician certificate, or community health worker certificate issued under this chapter and payment of the fee authorized under section 4723.08 of the Revised Code, the Board shall verify to an agency of another jurisdiction or foreign country the fact that the person holds such nursing license, certificate of authority, dialysis technician certificate, or community health worker certificate.

[Effective September 26, 2003]

Section 4723.28 Disciplinary Actions Against Licensees or Certificate Holders; Investigations

(A) The Board of Nursing, by a vote of a quorum, may revoke or may refuse to grant a nursing license, certificate of authority, or dialysis technician certificate to a person found by the Board to have committed fraud in passing an examination required to obtain the license, certificate of authority, or dialysis technician certificate or to have committed fraud, misrepresentation, or deception in applying for or securing any nursing license, certificate of authority, or dialysis technician certificate issued by the Board.

(B) Subject to division (N) of this section, the Board of Nursing, by a vote of a quorum, may impose one or more of the following sanctions: deny, revoke, suspend, or place restrictions on any nursing license, certificate of authority, or dialysis technician certificate issued by the Board; reprimand or otherwise discipline a holder of a nursing license, certificate of authority, or dialysis technician certificate; or impose a fine of not more than five hundred dollars per violation. The sanctions may be imposed for any of the following:

(1) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including nursing or practice as a dialysis technician, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;

(2) Engaging in the practice of nursing, or engaging in practice as a dialysis technician, having failed to renew a nursing license or dialysis technician certificate issued under this chapter, or while a nursing license or dialysis technician certificate is under suspension;

(3) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, of a misdemeanor committed in the course of practice;

(4) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, any felony or of any crime involving gross immorality or moral turpitude;

(5) Selling, giving away, or administering drugs or therapeutic devices for other than legal and legitimate therapeutic purposes; or conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no
contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, violating any municipal, state, county, or federal drug law;

(6) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, an act in another jurisdiction that would constitute a felony or a crime of moral turpitude in Ohio;

(7) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, an act in the course of practice in another jurisdiction that would constitute a misdemeanor in Ohio;

(8) Self-administering or otherwise taking into the body any dangerous drug, as defined in section 4729.01 of the Revised Code, in any way not in accordance with a legal, valid prescription issued for that individual;

(9) Habitual indulgence in the use of controlled substances, other habit-forming drugs, or alcohol or other chemical substances to an extent that impairs ability to practice;

(10) Impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care because of habitual or excessive use of drugs, alcohol, or other chemical substances that impair the ability to practice;

(11) Impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care because of a physical or mental disability;

(12) Assaulting or causing harm to a patient or depriving a patient of the means to summon assistance;

(13) Obtaining or attempting to obtain money or anything of value by intentional misrepresentation or material deception in the course of practice;

(14) Adjudication by a probate court of being mentally ill or mentally incompetent. The Board may restore the person’s nursing license or dialysis technician certificate upon adjudication by a probate court of the person’s restoration to competency or upon submission to the Board of other proof of competency;

(15) The suspension or termination of employment by the Department of Defense or the Veterans Administration of the United States for any act that violates or would violate this chapter;

(16) Violation of this chapter or any rules adopted under it;

(17) Violation of any restrictions placed on a nursing license or dialysis technician certificate by the Board;

(18) Failure to use universal blood and body fluid precautions established by rules adopted under section 4723.07 of the Revised Code;

(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;

(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;

(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;

(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;

(23) Aiding and abetting a person in that person’s practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter;

(24) In the case of a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, certified nurse practitioner, or advanced practice nurse, except as provided in division (M) of this section, either of the following:

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;

(b) Advertising that the nurse will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay;

(25) Failure to comply with the terms and conditions of participation in the chemical dependency monitoring program established under section 4723.35 of the Revised Code;

(26) Failure to comply with the terms and conditions required under the practice intervention and improvement program established under section 4723.282 of the Revised Code;

(27) In the case of a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner:

(a) Engaging in activities that exceed those permitted for the nurse’s nursing specialty under section 4723.43 of the Revised Code;

(b) Failure to meet the quality assurance standards established under section 4723.07 of the Revised Code;

(28) In the case of a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to maintain a standard care arrangement in accordance with section 4723.431 of the Revised Code or to practice in accordance with the standard care arrangement;
In the case of 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, failure to prescribe drugs and therapeutic devices in accordance with section 4723.481 of the Revised Code;

Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;

Failure to establish and maintain professional boundaries with a patient, as specified in rules adopted under section 4723.07 of the Revised Code.

Regardless of whether the contact or verbal behavior is consensual, engaging with a patient other than the spouse of the registered nurse, licensed practical nurse, or dialysis technician in any of the following:

(a) Sexual contact, as defined in section 2907.01 of the Revised Code;
(b) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.

Assisting suicide as defined in section 3795.01 of the Revised Code.

Disciplinary actions taken by the Board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication conducted under Chapter 119. of the Revised Code, except that in lieu of a hearing, the Board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by a vote of a quorum, shall constitute the findings and order of the Board with respect to the matter addressed in the agreement. If the Board refuses to ratify a consent agreement, the admissions and findings contained in the agreement shall be of no effect.

The hearings of the Board shall be conducted in accordance with Chapter 119. of the Revised Code, except that in lieu of a hearing, the Board may enter a final order as provided in section 119.09 of the Revised Code, to conduct any hearing the Board is authorized to hold under Chapter 119. of the Revised Code.

In any instance in which the Board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant or license holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the Board is not required to hold a hearing, but may adopt, by a vote of a quorum, a final order that contains the Board’s findings. In the final order, the Board may order any of the sanctions listed in division (A) or (B) of this section.

If a criminal action is brought against a registered nurse, licensed practical nurse, or dialysis technician for an act or crime described in divisions (B)(3) to (7) of this section and the action is dismissed by the trial court other than on the merits, the Board shall conduct an adjudication to determine whether the registered nurse, licensed practical nurse, or dialysis technician committed the act on which the action was based. If the Board determines on the basis of the adjudication that the registered nurse, licensed practical nurse, or dialysis technician committed the act, or if the registered nurse, licensed practical nurse, or dialysis technician fails to participate in the adjudication, the Board may take action as though the registered nurse, licensed practical nurse, or dialysis technician had been convicted of the act.

If the Board takes action on the basis of a conviction, plea, or a judicial finding as described in divisions (B)(3) to (7) of this section that is overturned on appeal, the registered nurse, licensed practical nurse, or dialysis technician may, on exhaustion of the appeal process, petition the Board for reconsideration of its action. On receipt of the petition and supporting court documents, the Board shall temporarily rescind its action. If the Board determines that the decision on appeal was a decision on the merits, it shall permanently rescind its action. If the Board determines that the decision on appeal was not a decision on the merits, it shall conduct an adjudication to determine whether the registered nurse, licensed practical nurse, or dialysis technician committed the act on which the original conviction, plea, or judicial finding was based. If the Board determines on the basis of the adjudication that the registered nurse, licensed practical nurse, or dialysis technician committed such act, or if the registered nurse, licensed practical nurse, or dialysis technician does not request an adjudication, the Board shall reinstate its action; otherwise, the Board shall permanently rescind its action.

Notwithstanding the provision of division (C)(2) of section 2953.32 of the Revised Code specifying that if records pertaining to a criminal case are sealed under that section the proceedings in the case shall be deemed not to have occurred, sealing of the records of a conviction on which the Board has based an action under this section shall have no effect on the Board’s action or any sanction imposed by the Board under this section.

The Board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court’s sealing of conviction records.

The Board may investigate an individual’s criminal background in performing its duties under this section.

During the course of an investigation conducted under this section, the Board may compel any registered nurse, licensed practical nurse, or dialysis technician or applicant under this chapter to submit to a mental or physical examination, or both, as required by the Board and at the expense of the individual, if the Board finds reason to believe that the individual under investigation may have a physical or mental impairment that may affect the individual’s ability to provide safe nursing care. Failure of any individual to submit to a mental or physical examination when directed constitutes an admission of the allegations, unless the failure is due to circumstances beyond the individual’s control, and a default and final order may be entered without the taking of testimony or presentation of evidence.

If the Board finds that an individual is impaired, the Board shall require the individual to submit to care, counseling, or treatment approved or designated by the Board, as a condition for initial, continued, reinstated, or renewed authority to practice. The individual shall be afforded an opportunity to demonstrate to the Board that the individual can begin or resume the individual’s occupation in compliance with acceptable and prevailing standards under the provisions of the individual’s authority to practice.
For purposes of this division, any registered nurse, licensed practical nurse, or dialysis technician or applicant under this chapter shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the Board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(H) The Board shall investigate evidence that appears to show that any person has violated any provision of this chapter or any rule of the Board. Any person may report to the Board any information the person may have that appears to show a violation of any provision of this chapter or rule of the Board. In the absence of bad faith, any person who reports such information or who testifies before the Board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for civil damages as a result of the report or testimony.

(I) All of the following apply under this chapter with respect to the confidentiality of information:

(1) Information received by the Board pursuant to an investigation is confidential and not subject to discovery in any civil action, except that the Board may disclose information to law enforcement officers and government entities investigating a registered nurse, licensed practical nurse, or dialysis technician or a person who may have engaged in the unauthorized practice of nursing. No law enforcement officer or government entity with knowledge of any information disclosed by the Board pursuant to this division shall divulge the information to any other person or government entity except for the purpose of an adjudication by a court or licensing or registration board or officer to which the person to whom the information relates is a party.

(2) If an investigation requires a review of patient records, the investigation and proceeding shall be conducted in such a manner as to protect patient confidentiality.

(3) All adjudications and investigations of the Board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(4) Any Board activity that involves continued monitoring of an individual as part of or following any disciplinary action taken under this section shall be conducted in a manner that maintains the individual’s confidentiality. Information received or maintained by the Board with respect to the Board’s monitoring activities is confidential and not subject to discovery in any civil action.

(J) Any action taken by the Board under this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the person may be reinstated to practice.

(K) When the Board refuses to grant a license or certificate to an applicant, revokes a license or certificate, or refuses to reinstate a license or certificate, the Board may specify that its action is permanent. An individual subject to permanent action taken by the Board is forever ineligible to hold a license or certificate of the type that was refused or revoked and the Board shall not accept from the individual an application for reinstatement of the license or certificate or for a new license or certificate.

(L) No unilateral surrender of a nursing license, certificate of authority, or dialysis technician certificate issued under this chapter shall be effective unless accepted by majority vote of the Board. No application for a nursing license, certificate of authority, or dialysis technician certificate issued under this chapter may be withdrawn without a majority vote of the Board. The Board’s jurisdiction to take disciplinary action under this section is not removed or limited when an individual has a license or certificate classified as inactive or fails to renew a license or certificate.

(M) Sanctions shall not be imposed under division (B)(24) of this section against any licensee who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the Board upon request.

(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the Board.

(N)(1) Any person who enters a prelicensure nursing education program on or after June 1, 2003, and who subsequently applies under division (A) of section 4723.09 of the Revised Code for licensure to practice as a registered nurse or as a licensed practical nurse and any person who applies under division (B) of that section for license by endorsement to practice nursing as a registered nurse or as a licensed practical nurse shall submit a request to the bureau of criminal identification and investigation for the bureau to conduct a criminal records check of the applicant and to send the results to the Board, in accordance with section 4723.09 of the Revised Code.

The Board shall refuse to grant a license to practice nursing as a registered nurse or as a licensed practical nurse under section 4723.09 of the Revised Code to a person who entered a prelicensure nursing education program on or after June 1, 2003, and applied under division (A) of section 4723.09 of the Revised Code for the license or a person who applied under division (B) of that section for the license, if the criminal records check performed in accordance with division (C) of that section indicates that the person has pleaded guilty to, been convicted of, or has had a judicial finding of guilt for violating section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, or 2911.11 of the Revised Code or a substantially similar law of another state, the United States, or another country.

(2) Any person who enters a dialysis training program on or after June 1, 2003, and who subsequently applies for a certificate to practice as a dialysis technician shall submit a request to the bureau of criminal identification and investigation for the bureau to conduct a criminal records check of the applicant and to send the results to the Board, in accordance with section 4723.75 of the Revised Code.
The Board shall refuse to issue a certificate to practice as a dialysis technician under section 4723.75 of the Revised Code to a person who entered a dialysis training program on or after June 1, 2003, and whose criminal records check performed in accordance with division (C) of that section indicates that the person has pleaded guilty to, been convicted of, or has had a judicial finding of guilt for violating section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, or 2911.11 of the Revised Code or a substantially similar law of another state, the United States, of another country.

[Effective April 9, 2003]

Section 4723.281 Summary Suspension; Automatic Suspension Upon Conviction

(A) As used in this section, with regard to offenses committed in Ohio, “aggravated murder,” “murder,” “voluntary manslaughter,” “felonious assault,” “kidnapping,” “rape,” “sexual battery,” “gross sexual imposition,” “aggravated arson,” “aggravated robbery,” and “aggravated burglary” mean such offenses as defined in Title XXIX of the Revised Code; with regard to offenses committed in other jurisdictions, the terms mean offenses comparable to offenses defined in Title XXIX of the Revised Code.

(B) When there is clear and convincing evidence that continued practice by an individual licensed under this chapter presents a danger of immediate and serious harm to the public, as determined by the Board, the Board may enter a final order immediately suspending the individual’s license or certificate.

The Board shall issue its final adjudication order within ninety days after completion of the adjudication. If the Board enters a final order permanently suspending an individual’s license or certificate, the order shall not be subject to suspension by the court during the pendency of any appeal filed under section 119.12 of the Revised Code. If the Board enters an order permanently suspending an individual’s license or certificate, the order shall not be subject to suspension by the court during the pendency of any appeal filed under section 119.12 of the Revised Code.

The Board shall issue its final adjudication order within ninety days after completion of the adjudication. If the Board does not issue a final order within the ninety-day period, the summary suspension shall be void, but any final adjudication order issued subsequent to the ninety-day period shall not be affected.

(C) The license or certificate issued to an individual under this chapter is automatically suspended on that individual’s conviction of, plea of guilty to, or judicial finding with regard to any of the following: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. The suspension shall remain in effect from the date of the conviction, plea, or finding until an adjudication is held under Chapter 119. of the Revised Code. If the Board has knowledge that an automatic suspension has occurred, it shall notify the individual subject to the suspension. If the individual is notified and either fails to request an adjudication within the time periods established by Chapter 119. of the Revised Code or fails to participate in the adjudication, the Board shall enter a final order permanently revoking the person’s license or certificate.

[Effective April 10, 2001]

Section 4723.282 Practice Intervention and Improvement Program

(A) As used in this section, “practice deficiency” means any activity that does not meet acceptable and prevailing standards of safe and effective nursing care or dialysis care.

(B) The Board of Nursing may abstain from taking disciplinary action under section 4723.28 of the Revised Code against the holder of a license or certificate issued under this chapter who has a practice deficiency that has been identified by the Board through an investigation conducted under section 4723.28 of the Revised Code. The Board may abstain from taking action only if the Board has reason to believe that the individual’s practice deficiency can be corrected through remediation, and if the individual enters into an agreement with the Board to seek remediation as prescribed by the Board, complies with the terms and conditions of the remediation, and successfully completes the remediation. If an individual fails to complete the remediation or the Board determines that remediation cannot correct the individual’s practice deficiency, the Board shall proceed with disciplinary action in accordance with section 4723.28 of the Revised Code.

(C) To implement its authority under this section to abstain from taking disciplinary action, the Board shall establish a practice intervention and improvement program. The Board shall designate an administrator to operate the program and, in accordance with Chapter 119. of the Revised Code, adopt rules for the program that establish the following:

(1) Criteria for use in identifying an individual’s practice deficiency;
(2) Requirements that an individual must meet to be eligible for remediation and the Board’s abstention from disciplinary action;
(3) Standards and procedures for prescribing remediation that is appropriate for an individual’s identified practice deficiency;
(4) Terms and conditions that an individual must meet to be successful in completing the remediation prescribed;
(5) Procedures for the Board’s monitoring of the individual’s remediation;
(6) Procedures for maintaining confidential records regarding individuals who participate in remediation;
(7) Any other requirements or procedures necessary to develop and administer the program.

(D) All records held by the Board for purposes of the program shall be confidential, are not public records for purposes of section 149.43 of the Revised Code, and are not subject to discovery by subpoena or admissible as evidence in any judicial proceeding. The administrator of the program shall maintain all records in the Board’s office in accordance with the Board’s record retention schedule.

(E) When an individual begins the remediation prescribed by the Board, the individual shall sign a waiver permitting any entity that provides services related to the remediation to release to the Board information regarding the individual’s progress. An entity that provides services related to remediation shall report to the Board if the individual fails to complete the remediation or does not make satisfactory progress in remediation.

In the absence of fraud or bad faith, an entity that reports to the Board regarding an individual’s practice deficiency, or progress or lack of progress in remediation, is not liable in damages to any person as a result of making the report.

(F) An individual participating in remediation prescribed under this section is responsible for all financial obligations that may arise from obtaining or completing the remediation.

[Effective April 10, 2001]

Section 4723.29 Subpoena of Witnesses or Records

In addition to the powers conferred upon the Board of Nursing by Chapter 119. of the Revised Code, the Board may subpoena witnesses and require their attendance, require the testimony of witnesses and require the production by witnesses of books, papers, public records, and other documentary evidence, and examine them as it may require in relation to any matter which it has authority to investigate, inquire into, or hear.

A subpoena for patient record information shall be issued only upon approval of the executive director of the Board, and the president or another member of the Board designated by the president, in consultation with the Office of the Attorney General. Before issuance of any such subpoena, the executive director and the Office of the Attorney General shall determine whether there is probable cause to believe that the complaint filed alleges a violation of this chapter or any rule of the Board, that the records sought are relevant to the alleged violation and material to the investigation, and that the records cover a reasonable period of time surrounding the alleged violation.

Upon failure to comply with any subpoena issued by the Board and after reasonable notice to the person being subpoenaed, the Board may move for an order compelling the production of persons or records pursuant to Ohio Rules of Civil Procedure.

Each officer who serves such subpoena shall receive the same fees as a sheriff, and each witness who appears, in obedience to a subpoena, before the Board, shall receive the fees and mileage provided for witnesses in civil cases in courts of common pleas.

[Effective June 14, 1988]

Section 4723.32 Exceptions From Licensing Requirement

This chapter does not prohibit any of the following:

(A) The practice of nursing by a student currently enrolled in and actively pursuing completion of a prelicensure nursing education program approved by the Board of Nursing, if the student’s practice is under the auspices of the program and the student acts under the supervision of a registered nurse serving for the program as a faculty member, teaching assistant, or preceptor;

(B) The rendering of medical assistance to a licensed physician, licensed dentist, or licensed podiatrist by a person under the direction, supervision, and control of such licensed physician, dentist, or podiatrist;

(C) The activities of persons employed as nursing aides, attendants, orderlies, or other auxiliary workers in patient homes, nurseries, nursing homes, hospitals, home health agencies, or other similar institutions;

(D) The provision of nursing services to family members or in emergency situations;

(E) The care of the sick when done in connection with the practice of religious tenets of any church and by or for its members;

(F) The practice of nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner by a student currently enrolled in and actively pursuing completion of a program of study leading to initial authorization by the Board to practice nursing in the specialty, if both of the following are the case:

(1) The program qualifies the student to sit for the examination of a national certifying organization listed in division (A)(3) of section 4723.41 of the Revised Code or approved by the Board under section 4723.46 of the Revised Code, or the program prepares the student to receive a master’s degree in accordance with division (A)(2) of section 4723.41 of the Revised Code;

(2) The student’s practice is under the auspices of the program and the student acts under the supervision of a registered nurse serving for the program as a faculty member, teaching assistant, or preceptor.

(G) The activities of an individual who currently holds a license to practice nursing in another jurisdiction, if the individual’s license has not been revoked, the individual is not currently under suspension or on probation, the individual does not represent the individual as being licensed under this chapter, and one of the following is the case:

(1) The individual is engaging in the practice of nursing by discharging official duties while employed by or under contract with the United States government or any agency thereof;
(2) The individual is engaging in the practice of nursing as an employee of an individual, agency, or corporation located in the other jurisdiction in a position with employment responsibilities that include transporting patients into, out of, or through this state, as long as each trip in this state does not exceed seventy-two hours;

(3) The individual is consulting with an individual licensed in this state to practice any health-related profession;

(4) The individual is engaging in activities associated with teaching in this state as a guest lecturer at or for a nursing education program, continuing nursing education program, or in-service presentation;

(5) The individual is conducting evaluations of nursing care that are undertaken on behalf of an accrediting organization, including the national league for nursing accrediting committee, the joint commission on accreditation of healthcare organizations, or any other nationally recognized accrediting organization;

(6) The individual is providing nursing care to an individual who is in this state on a temporary basis, not to exceed six months in any one calendar year, if the nurse is directly employed by or under contract with the individual or a guardian or other person acting on the individual’s behalf;

(7) The individual is providing nursing care during any disaster, natural or otherwise, that has been officially declared to be a disaster by a public announcement issued by an appropriate federal, state, county, or municipal official.

[Effective September 5, 2001]

Section 4723.33 Whistleblower Protection

A registered nurse, licensed practical nurse, or dialysis technician who in good faith makes a report under this chapter or any other provision of the Revised Code regarding a violation of this chapter or any other provision of the Revised Code, or participates in any investigation, administrative proceeding, or judicial proceeding resulting from the report, has the full protection against retaliatory action provided by sections 4113.51 to 4113.53 of the Revised Code.

[Effective April 10, 2001]

Section 4723.34 Duty to Report Misconduct by Licensee

(A) Reports to the Board of Nursing shall be made as follows:

(1) Every employer of registered nurses, licensed practical nurses, or dialysis technicians shall report to the Board of Nursing the name of any current or former employee who holds a nursing license or dialysis technician certificate issued under this chapter who has engaged in conduct that would be grounds for disciplinary action by the Board under section 4723.28 of the Revised Code. Every employer of certified community health workers shall report to the Board the name of any current or former employee who holds a community health worker certificate issued under this chapter who has engaged in conduct that would be grounds for disciplinary action by the Board under section 4723.86 of the Revised Code.

(2) Nursing associations shall report to the Board the name of any registered nurse or licensed practical nurse and dialysis technician associations shall report to the Board the name of any dialysis technician who has been investigated and found to constitute a danger to the public health, safety, and welfare because of conduct that would be grounds for disciplinary action by the Board under section 4723.28 of the Revised Code, except that an association is not required to report the individual’s name if the individual is maintaining satisfactory participation in a peer support program approved by the Board under rules adopted under section 4723.07 of the Revised Code. Community health worker associations shall report to the Board the name of any certified community health worker who has been investigated and found to constitute a danger to the public health, safety, and welfare because of conduct that would be grounds for disciplinary action by the Board under section 4723.86 of the Revised Code, except that an association is not required to report the individual’s name if the individual is maintaining satisfactory participation in a peer support program approved by the Board under rules adopted under section 4723.07 of the Revised Code.

(3) If the prosecutor in a case described in divisions (B)(3) to (5) of section 4723.28 of the Revised Code, or in a case where the trial court issued an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor committed in the course of practice, a felony charge, or a charge of gross immorality or moral turpitude, knows or has reason to believe that the person charged is licensed under this chapter to practice nursing as a registered nurse or as a licensed practical nurse or holds a certificate issued under this chapter to practice as a dialysis technician, the prosecutor shall notify the Board of Nursing. With regard to certified community health workers, if the prosecutor in a case involving a charge of a misdemeanor committed in the course of employment, a felony charge, or a charge of gross immorality or moral turpitude, including a case dismissed on technical or procedural grounds, knows or has reason to believe that the person charged holds a community health worker certificate issued under this chapter, the prosecutor shall notify the Board.

Each notification required by this division shall be made on forms prescribed and provided by the Board. The report shall include the name and address of the license or certificate holder, the charge, and the certified court documents recording the action.

(B) If any person fails to provide a report required by this section, the Board may seek an order from a court of competent jurisdiction compelling submission of the report.

[Effective September 26, 2003]

Section 4723.341 Immunity for Making Report or Testifying or Referral for Treatment
(A) As used in this section, “person” has the same meaning as in section 1.59 of the Revised Code and also includes the Board of Nursing and its members and employees; health care facilities, associations, and societies; insurers; and individuals.

(B) In the absence of fraud or bad faith, no person reporting to the Board of Nursing or testifying in an adjudication conducted under Chapter 119. of the Revised Code with regard to alleged incidents of negligence or malpractice or matters subject to this chapter or section 2301.373 of the Revised Code shall be subject to either of the following based on making the report or testifying:

1. Liability in damages in a civil action for injury, death, or loss to person or property;
2. Discipline or dismissal by an employer.

(C) An individual who is disciplined or dismissed in violation of division (B)(2) of this section has the same rights and duties accorded an employee under sections 4113.52 and 4113.53 of the Revised Code.

(D) In the absence of fraud or bad faith, no professional association of registered nurses, licensed practical nurses, or dialysis technicians that sponsors a committee or program to provide peer assistance to individuals with substance abuse problems, no representative or agent of such a committee or program, and no member of the Board of Nursing shall be liable to any person for damages in a civil action by reason of actions taken to refer a nurse or dialysis technician to a treatment provider or actions or omissions of the provider in treating a nurse or dialysis technician.

[Effective April 10, 2001]

Section 4723.35  Alternative Program for Chemical Dependency

(A) As used in this section, “chemical dependency” means either of the following:

1. The chronic and habitual use of alcoholic beverages to the extent that the user no longer can control the use of alcohol or endangers the user’s health, safety, or welfare or that of others;
2. The use of a controlled substance as defined in section 3719.01 of the Revised Code, a harmful intoxicant as defined in section 2925.01 of the Revised Code, or a dangerous drug as defined in section 4729.01 of the Revised Code, to the extent that the user becomes physically or psychologically dependent on the substance, intoxicant, or drug or endangers the user’s health, safety, or welfare or that of others.

(B) The Board of Nursing may abstain from taking disciplinary action under section 4723.28 or 4723.86 of the Revised Code against an individual with a chemical dependency if it finds that the individual can be treated effectively and there is no impairment of the individual’s ability to practice according to acceptable and prevailing standards of safe care. The Board shall establish a chemical dependency monitoring program to monitor the registered nurses, licensed practical nurses, dialysis technicians, and certified community health workers against whom the Board has abstained from taking action. The Board shall develop the program, select the program’s name, and designate a coordinator to administer the program.

(C) The Board shall adopt rules in accordance with Chapter 119. of the Revised Code that establish the following:

1. Eligibility requirements for admission to and continued participation in the monitoring program;
2. Terms and conditions that must be met to participate in and successfully complete the program;
3. Procedures for keeping confidential records regarding participants;
4. Any other requirements or procedures necessary to establish and administer the program.

(D)(1) As a condition of being admitted to the monitoring program, an individual shall surrender to the program coordinator the license or certificate that the individual holds. While the surrender is in effect, the individual is prohibited from engaging in the practice of nursing, engaging in the provision of dialysis care, or engaging in the provision of services that were being provided as a certified community health worker.

If the program coordinator determines that a participant is capable of resuming practice according to acceptable and prevailing standards of safe care, the coordinator shall return the participant’s license or certificate. If the participant violates the terms and conditions of resumed practice, the program coordinator shall require the participant to surrender the license or certificate as a condition of continued participation in the program. The coordinator may require the surrender only on the approval of the Board’s supervising member for disciplinary matters.

The surrender of a license or certificate of admission to the monitoring program or while participating in the program does not constitute an action by the Board under section 4723.28 or 4723.86 of the Revised Code. The participant may rescind the surrender at any time and the Board may proceed by taking action under section 4723.28 or 4723.86 of the Revised Code.

(2) If the program coordinator determines that a participant is significantly out of compliance with the terms and conditions for participation, the coordinator shall notify the Board’s supervising member for disciplinary matters and the supervising member shall temporarily suspend the participant’s license or certificate. The program coordinator shall notify the participant of the suspension by certified mail sent to the participant’s last known address and shall refer the matter to the Board for formal action under section 4723.28 or 4723.86 of the Revised Code.

(E) All of the following apply with respect to the receipt, release, and maintenance of records and information by the monitoring program:

1. The program coordinator shall maintain all records in the Board’s office for a period of five years.
2. When applying to participate in the monitoring program, the applicant shall sign a waiver permitting the program coordinator to receive and release information necessary for the coordinator to determine whether the individual is eligible for admission. After being admitted, the participant shall sign a waiver permitting the program coordinator to receive and release
information necessary to determine whether the individual is eligible for continued participation in the program. Information that may be necessary for the program coordinator to determine eligibility for admission or continued participation in the monitoring program includes, but is not limited to, information provided to and by employers, probation officers, law enforcement agencies, peer assistance programs, health professionals, and treatment providers. No entity with knowledge that the information has been provided to the monitoring program shall divulge that knowledge to any other person.

(3) Except as provided in division (E)(4) of this section, all records pertaining to an individual’s application for or participation in the monitoring program, including medical records, treatment records, and mental health records, shall be confidential. The records are not public records for the purposes of section 149.43 of the Revised Code, and are not subject to discovery by subpoena or admissible as evidence in any judicial proceeding.

(4) The program coordinator may disclose information regarding a participant’s progress in the program to any person or government entity that the participant authorizes in writing to be given the information. In disclosing information under this division, the coordinator shall not include any information that is protected under section 3793.13 of the Revised Code or any federal statute or regulation that provides for the confidentiality of medical, mental health, or substance abuse records.

(F) In the absence of fraud or bad faith, the program coordinator, the Board of Nursing, and the Board’s employees and representatives are not liable for damages in any civil action as a result of disclosing information in accordance with division (E)(4) of this section. In the absence of fraud or bad faith, any person reporting to the program with regard to an individual’s chemical dependence, or the progress or lack of progress of that individual with regard to treatment, is not liable for damages in any civil action as a result of the report.

[Effective September 26, 2003]

Section 4723.40 Injunction Against Violation

(A) Through the attorney general or an appropriate prosecuting attorney, the Board of Nursing may apply to an appropriate court for an order enjoining the unauthorized practice of nursing or any other violation of this chapter. On the filing of a verified petition, the court shall conduct a hearing on the petition and give the same preference to the proceeding as is given all proceedings under Chapter 119. of the Revised Code, irrespective of the position of the proceeding on the court’s calendar. On a showing that a person has violated or is about to violate any provision of this chapter, the court shall grant an order enjoining the violation.

(B)(1) If the Board’s supervising member for disciplinary matters obtains information sufficient to determine that a person may have engaged in the unauthorized practice of nursing or any other violation of this chapter, the supervising member shall notify the alleged offender by registered mail that information has been obtained regarding the alleged violation. The notice may be sent either before or after a petition has been filed under division (A) of this section.

(2) To be considered sufficient, the information must include all of the following:
   (a) A description of the alleged violation;
   (b) If a particular individual can be identified, the name of the individual involved in the violation;
   (c) The name and address of the facility, institution, or other place where the violation occurred;
   (d) The approximate dates that the violation occurred.

(3) Not later than thirty days after receiving notice from the supervising member, the alleged offender shall respond to the supervising member with respect to the allegations. If the person fails to give a timely and sufficient response, the supervising member shall investigate. Based on the findings of the investigation, the supervising member may request that the Board proceed as authorized by division (A) of this section.

(C) The injunction proceedings and notice requirements provided for by this section are in addition to all penalties and other remedies provided in this chapter.

[Effective April 10, 2001]

Section 4723.41 Application for a Certificate of Authority

(A) Each person who desires to practice nursing as a certified nurse-midwife and has not been authorized to practice midwifery prior to December 1, 1967, and each person who desires to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, or certified nurse practitioner shall file with the Board of Nursing a written application for authorization to practice nursing in the desired specialty, under oath, on a form prescribed by the Board.

Except as provided in divisions (B), (C), and (D) of this section, at the time of making application, the applicant shall meet all of the following requirements:

(1) Be a registered nurse;

(2) Submit documentation satisfactory to the Board that the applicant has earned a graduate degree with a major in a nursing specialty or in a related field that qualifies the applicant to sit for the certification examination of a national certifying organization listed in division (A)(3) of this section or approved by the Board under section 4723.46 of the Revised Code;

(3) Submit documentation satisfactory to the Board of having passed the certification examination of one of the following:
(a) If the applicant is applying to practice nursing as a certified nurse-midwife, the American College of Nurse-Midwives or another national certifying organization approved by the Board under section 4723.46 of the Revised Code to examine and certify nurse-midwives;

(b) If the applicant is applying to practice nursing as a certified registered nurse anesthetist, the National Council on Certification of Nurse Anesthetists of the American Association of Nurse Anesthetists, the National Council on Recertification of Nurse Anesthetists of the American Association of Nurse Anesthetists, or another national certifying organization approved by the Board under section 4723.46 of the Revised Code to examine and certify registered nurse anesthetists;

(c) If the applicant is applying to practice nursing as a clinical nurse specialist, the American Nurses Credentialing Center or another national certifying organization approved by the Board under section 4723.46 of the Revised Code to examine and certify clinical nurse specialists;

(d) If the applicant is applying to practice nursing as a certified nurse practitioner, the American Nurses Credentialing Center, the National Certification Corporation, the National Board of Pediatric Nurse Practitioners and Associates, or another national certifying organization approved by the Board under section 4723.46 of the Revised Code to examine and certify nurse practitioners.

(4) Submit an affidavit with the application that states all of the following:

(a) That the applicant is the person named in the documents submitted under divisions (A)(2) and (3) of this section and is the lawful possessor thereof;

(b) The applicant’s age, residence, the school at which the applicant obtained education in the applicant’s nursing specialty, and any other facts that the Board requires;

(c) If the applicant is already engaged in the practice of nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, the period during which and the place where the applicant is engaged;

(d) If the applicant is already engaged in the practice of nursing as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, the names and business addresses of the applicant’s current collaborating physicians and podiatrists. If the applicant is not yet engaged in the practice of nursing as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, the applicant shall submit the names and business addresses of the applicant’s collaborating physicians or podiatrists not later than thirty days after first engaging in the practice. The applicant shall give written notice to the Board of any additions or deletions to the affidavit of collaborating physicians or podiatrists not later than thirty days after the change takes effect.

(B) On or before December 31, 2000, the Board shall issue to an applicant a certificate of authority to practice nursing as a certified registered nurse anesthetist, certified nurse-midwife, or certified nurse practitioner if the applicant complies with all requirements of this section, other than the requirement that the applicant has earned a graduate degree with a major in a nursing specialty or in a related field that qualifies the applicant to sit for the certification examination of a national certifying organization listed in division (A)(3) of this section or approved by the Board under section 4723.46 of the Revised Code.

(C) On or before December 31, 2000, the Board shall issue to an applicant a certificate of authority to practice nursing as a clinical nurse specialist if one of the following applies:

1. The applicant holds a graduate degree with a major in a clinical area of nursing from an educational institution accredited by a national or regional accrediting organization and complies with all requirements of this section, other than the requirement of having passed a certification examination.

2. The applicant holds a graduate degree in nursing or a related field and is certified as a clinical nurse specialist by the American Nurses Credentialing Center or another national certifying organization approved by the Board under section 4723.46 of the Revised Code.

(D) On or before December 31, 2008, the Board shall issue to an applicant a certificate of authority to practice nursing as a certified nurse practitioner if the applicant has successfully completed a nurse practitioner certificate program that receives funding under and is employed by a public agency or a private, nonprofit entity that receives funding under Title X of the Public Health Service Act, 42 U.S.C. 300 and 300a-1 (1991), and complies with all requirements of this section, other than the requirement that the applicant has earned a graduate degree with a major in a nursing specialty or a related field.

(E) A certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who is practicing as such in another jurisdiction may apply for a certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner in this state if the nurse meets the requirements for a certificate of authority set forth in this section. The application shall be submitted to the Board in the form prescribed by rules of the Board and be accompanied by the application fee required by section 4723.08 of the Revised Code. The application shall include evidence that the applicant meets the requirements of this section, holds a license or certificate to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner in good standing in another jurisdiction granted after meeting requirements approved by the entity of that jurisdiction that licenses nurses, and other information required by rules of the Board of Nursing.

If the applicant is a certified registered nurse anesthetist, certified nurse-midwife, or certified nurse practitioner who, on or before December 31, 2000, met the requirements of this section to practice as such and has maintained certification in the applicant’s nursing
specialty with a national certifying organization listed in division (A)(3) of section 4723.41 of the Revised Code or approved by the Board under section 4723.46 of the Revised Code, division (B) of this section shall apply.

If the applicant is a clinical nurse specialist who, on or before December 31, 2000, met the requirements of this section to practice as such, division (C) of this section shall apply.

[Effective May 17, 2000]

Section 4723.42 Issuance of Certificate; Renewal; Inactive Status

(A) If the applicant for authorization to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner has met all the requirements of section 4723.41 of the Revised Code and has paid the fee required by section 4723.08 of the Revised Code, the Board of Nursing shall issue its certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, which shall designate the nursing specialty the nurse is authorized to practice. The certificate entitles its holder to practice nursing in the specialty designated on the certificate.

The Board shall issue or deny its certificate not later than sixty days after receiving all of the documents required by section 4723.41 of the Revised Code.

If an applicant is under investigation for a violation of this chapter, the Board shall conclude the investigation not later than ninety days after receipt of all required documents, unless this ninety-day period is extended by written consent of the applicant, or unless the Board determines that a substantial question of such a violation exists and the Board has notified the applicant in writing of the reasons for the continuation of the investigation. If the Board determines that the applicant has not violated this chapter, it shall issue a certificate not later than forty-five days after making that determination.

(B) Authorization to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner shall be renewed biennially according to rules and a schedule adopted by the Board. In providing renewal applications to certificate holders, the Board shall follow the procedures it follows under section 4723.24 of the Revised Code in providing renewal applications to license holders. Failure of the certificate holder to receive an application for renewal from the Board does not excuse the holder from the requirements of section 4723.44 of the Revised Code.

Not later than the date specified by the Board, the holder shall complete the renewal form and return it to the Board with all of the following:

1. The renewal fee required by section 4723.08 of the Revised Code;
2. Except as provided in division (C) of this section, documentation satisfactory to the Board that the holder has maintained certification in the nursing specialty with a national certifying organization listed in division (A)(3) of section 4723.41 of the Revised Code or approved by the Board under section 4723.46 of the Revised Code;
3. A list of the names and business addresses of the holder’s current collaborating physicians and podiatrists, if the holder is a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;
4. If the holder’s certificate was issued under division (C) of section 4723.41 of the Revised Code, documentation satisfactory to the Board that the holder has completed continuing education for a clinical nurse specialist as required by rule of the Board;
5. If the holder’s certificate was issued under division (D) of section 4723.41 of the Revised Code, documentation satisfactory to the Board that the holder has continued employment by a public agency or a private, nonprofit entity that receives funding under Title X of the “Public Health Service Act,” 42 U.S.C. 300 and 300a-1 (1991).

On receipt of the renewal application, fees, and documents, the Board shall verify that the applicant holds a current license to practice nursing as a registered nurse in this state, and, if it so verifies, shall renew the certificate. If an applicant submits the completed renewal application after the date specified in the Board’s schedule, but before the expiration of the certificate, the Board shall grant a renewal when the late renewal fee required by section 4723.08 of the Revised Code is paid.

An applicant for reinstatement of an expired certificate shall submit reinstatement fee, renewal fee, and late renewal fee required by section 4723.08 of the Revised Code. Any holder of a certificate who desires inactive status shall give the Board written notice to that effect.

(C) The Board shall renew a certificate of authority to practice nursing as a clinical nurse specialist issued pursuant to division (C) of section 4723.41 of the Revised Code, if the certificate holder complies with all renewal requirements of this section other than the requirement of having maintained certification in the holder’s nursing specialty.

[Effective April 10, 2001]

Section 4723.43 Scope of Practice of Specialized Nursing Services

A certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may provide to individuals and groups nursing care that requires knowledge and skill obtained from advanced formal education and clinical experience.

(A) A nurse authorized to practice as a certified nurse-midwife, in collaboration with one or more physicians, may provide the management of preventive services and those primary care services necessary to provide health care to women antepartally,
intrapartally, postpartally, and gynecologically, consistent with the nurse’s education and certification, and in accordance with rules adopted by the Board.

No certified nurse-midwife may perform version, deliver breech or face presentation, use forceps, do any obstetric operation, or treat any other abnormal condition, except in emergencies. Division (A) of this section does not prohibit a certified nurse-midwife from performing episiotomies or normal vaginal deliveries, or repairing vaginal tears. A certified nurse-midwife who holds a certificate to prescribe issued under section 4723.48 of the Revised Code may, in collaboration with one or more physicians, prescribe drugs and therapeutic devices in accordance with section 4723.481 of the Revised Code.

(B) A nurse authorized to practice as a certified registered nurse anesthetist, with the supervision and in the immediate presence of a physician, podiatrist, or dentist, may administer anesthesia and perform anesthesia induction, maintenance, and emergence, and may perform with supervision preanesthetic preparation and evaluation, postanesthesia care, and clinical support functions, consistent with the nurse’s education and certification, and in accordance with rules adopted by the Board. A certified registered nurse anesthetist is not required to obtain a certificate to prescribe in order to provide the anesthesia care described in this division.

The physician, podiatrist, or dentist supervising a certified registered nurse anesthetist must be actively engaged in practice in this state. When a certified registered nurse anesthetist is supervised by a podiatrist, the nurse’s scope of practice is limited to the anesthesia procedures that the podiatrist has the authority under section 4731.51 of the Revised Code to perform. A certified registered nurse anesthetist may not administer general anesthesia under the supervision of a podiatrist in a podiatrist’s office. When a certified registered nurse anesthetist is supervised by a dentist, the nurse’s scope of practice is limited to the anesthesia procedures that the dentist has the authority under Chapter 4715. of the Revised Code to perform.

(C) A nurse authorized to practice as a certified nurse practitioner, in collaboration with one or more physicians or podiatrists, may provide preventive and primary care services and evaluate and promote patient wellness within the nurse’s nursing specialty, consistent with the nurse’s education and certification, and in accordance with rules adopted by the Board. A certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code may, in collaboration with one or more physicians or podiatrists, prescribe drugs and therapeutic devices in accordance with section 4723.481 of the Revised Code.

When a certified nurse practitioner is collaborating with a podiatrist, the nurse’s scope of practice is limited to the procedures that the podiatrist has the authority under section 4731.51 of the Revised Code to perform.

(D) A nurse authorized to practice as a clinical nurse specialist, in collaboration with one or more physicians or podiatrists, may provide and manage the care of individuals and groups with complex health problems and provide health care services that promote, improve, and manage health care within the nurse’s nursing specialty, consistent with the nurse’s education and in accordance with rules adopted by the Board. A clinical nurse specialist who holds a certificate to prescribe issued under section 4723.48 of the Revised Code may, in collaboration with one or more physicians or podiatrists, prescribe drugs and therapeutic devices in accordance with section 4723.481 of the Revised Code.

When a clinical nurse specialist is collaborating with a podiatrist, the nurse’s scope of practice is limited to the procedures that the podiatrist has the authority under section 4731.51 of the Revised Code to perform.

[Effective April 10, 2001]

Section 4723.431 Standard Care Arrangement with Collaborating Physician or Podiatrist; Mental Health Exceptions

(A) Except as provided in division (C)(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. Each 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 (C)(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) 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.

(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 (C)(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.

[Effective September 26, 2003]

Section 4723.432 Nurse’s Duty to Cooperate in Investigation

(A) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner shall cooperate with the state medical board in any investigation the board conducts with respect to a physician or podiatrist who collaborates with the nurse. The nurse shall cooperate with the board in any investigation the board conducts with respect to the unauthorized practice of medicine by the nurse.

(B) A certified registered nurse anesthetist shall cooperate with the state medical board or state dental board in any investigation either board conducts with respect to a physician, podiatrist, or dentist who permits the nurse to practice with the supervision of that physician, podiatrist, or dentist. The nurse shall cooperate with either board in any investigation it conducts with respect to the unauthorized practice of medicine or dentistry by the nurse.

[Effective May 17, 2000]

Section 4723.44 Unauthorized Practice or Use of Title or Initials; Employment Without Certificate Prohibited

(A) No person shall do any of the following unless the person holds a current, valid certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner issued by the Board of Nursing under this chapter:

(1) Engage in the practice of nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner for a fee, salary, or other consideration, or as a volunteer;

(2) Represent the person as being a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;

(3) Use any title or initials implying that the person is a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner.

(B) No person who is not certified by the National Council on Certification of Nurse Anesthetists of the American Association of Nurse Anesthetists, the National Council on Recertification of Nurse Anesthetists of the American Association of Nurse Anesthetists, or another national certifying organization approved by the Board under section 4723.46 of the Revised Code shall use the title “Certified Registered Nurse Anesthetist” or the initials “C.R.N.A.”, or any other title or initial implying that the person has been certified by the council or organization.

(C) No certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner shall do any of the following:

(1) Engage, for a fee, salary, or other consideration, or as a volunteer, in the practice of a nursing specialty other than the specialty designated on the nurse’s current, valid certificate issued by the Board under this chapter;

(2) Represent the person as being authorized to practice any nursing specialty other than the specialty designated on the current, valid certificate;

(3) Use the title “Certified Registered Nurse Anesthetist” or the initials “C.R.N.A.”, or “Clinical Nurse Specialist” or the initials “C.N.S.”, or “Certified Nurse-Midwife” or the initials “C.N.M.”, or “Certified Nurse Practitioner” or the initials “C.N.P.”, or any other title or initials implying that the nurse is authorized to practice any nursing specialty other than the specialty designated on the nurse’s current, valid certificate;
(4) Enter into a standard care arrangement with a physician or podiatrist whose practice is not the same as or similar to the nurse’s nursing specialty;

(5) Prescribe drugs or therapeutic devices unless the nurse holds a current, valid certificate to prescribe issued under section 4723.48 of the Revised Code;

(6) Prescribe drugs or therapeutic devices under a certificate to prescribe in a manner that does not comply with section 4723.481 of the Revised Code;

(7) Prescribe any drug or device to perform or induce an abortion, or otherwise perform or induce an abortion.

(D) No person shall knowingly employ a person to engage in the practice of nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner unless the person so employed holds a current, valid certificate of authority to engage in that nursing specialty issued by the Board under this chapter.

(E) A certificate certified by the executive director of the Board, under the official seal of the Board, to the effect that it appears from the records that no certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner has been issued to any person specified therein, or that a certificate, if issued, has been revoked or suspended, shall be received as prima-facie evidence of the record in any court or before any officer of the state.

[Effective May 17, 2000]

**Section 4723.45 Board of Nursing to Supervise Nurse-Midwifery**

The Board of Nursing is hereby deemed to be the successor to the state medical board with regard to all matters related to the practice of nurse-midwifery that were the responsibility of the medical board under former sections 4731.30, 4731.32, 4731.33, 4731.341, and 4731.42 of the Revised Code. The Board of Nursing shall assume all of the functions and responsibilities of the medical board with regard to such matters. Any matters related to the practice of nurse-midwifery pending under such sections on the effective date of this section shall be immediately transferred by the medical board to the Board of Nursing accompanied by any records necessary for the Board of Nursing to act.

No legal action pending on the effective date of this section shall be affected by the transfer of functions and responsibilities made by this section. Any such action shall be prosecuted or defended in the name of the Board of Nursing and, on application of the Board of Nursing, the court shall substitute the Board of Nursing as a party.

Any person who holds a certificate to practice nurse-midwifery issued by the state medical board under Chapter 4731. of the Revised Code is hereby deemed to be certified under this chapter to practice as a nurse-midwife. No right, privilege, or remedy shall be lost or impaired by reason of the transfer of functions and responsibilities under this section from the medical board to the Board of Nursing. All of the rules, orders, actions, and determinations of the medical board with regard to matters related to the practice of nurse-midwifery that were the responsibility of the medical board under former sections 4731.30, 4731.32, 4731.33, 4731.341, and 4731.42 of the Revised Code shall continue in effect as the rules, orders, determinations, and actions of the Board of Nursing until modified or rescinded by the Board of Nursing.

Within thirty days after the effective date of this section, the medical board shall transfer to the Board of Nursing all records regarding matters related to the practice of nurse-midwifery that were the responsibility of the medical board under former sections 4731.30, 4731.32, 4731.33, 4731.341, and 4731.42 of the Revised Code.

[Effective June 14, 1988]

**Section 4723.46 List of Approved National Certifying Organizations**

(A) The Board of Nursing shall establish a list of national certifying organizations approved by the Board to examine and certify registered nurses to practice nursing specialties. To be approved by the Board, a national certifying organization must meet all of the following requirements:

(1) Be national in the scope of its credentialing;

(2) Have an educational requirement beyond that required for registered nurse licensure;

(3) Have practice requirements beyond those required for registered nurse licensure;

(4) Have testing requirements beyond those required for registered nurse licensure that measure the theoretical and clinical content of a nursing specialty, are developed in accordance with accepted standards of validity and reliability, and are open to registered nurses who have successfully completed the educational program required by the organization;

(5) Issue certificates to certified registered nurse anesthetists, clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners;

(6) Periodically review the qualifications of certified registered nurse anesthetists, clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners.

(B) Not later than the thirtieth day of January of each year, the Board shall publish the list of national certifying organizations that have met the requirements of division (A) of this section within the previous year and remove from the list organizations that no longer meet the requirements.

[Effective June 30, 1997]
Section 4723.47  Effect on Certificate when License Suspended or Revoked; Lapse, Revocation or Suspension of Certificate

(A)  If a certified registered nurse anesthetist’s, clinical nurse specialist’s, certified nurse-midwife’s, or certified nurse practitioner’s license to practice nursing as a registered nurse expires for failure to renew under section 4723.24 of the Revised Code, the nurse’s certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner is lapsed until the license is reinstated. If the license is revoked under section 4723.28 or 4723.281 of the Revised Code, the nurse’s certificate of authority is automatically revoked. If the license is suspended under either section, the nurse’s certificate of authority is automatically suspended while the license remains suspended. If the license is classified as inactive under section 4723.24 of the Revised Code, the nurse’s certificate of authority is automatically classified as inactive while the license remains inactive.

(B)  If a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner holds a certificate to prescribe issued under section 4723.48 of the Revised Code and the nurse’s certificate of authority to practice as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner expires for failure to renew under section 4723.41 of the Revised Code, the nurse’s certificate to prescribe is lapsed until the certificate of authority is reinstated. If the certificate of authority becomes inactive in accordance with section 4723.42 of the Revised Code, the nurse’s certificate to prescribe is lapsed until the certificate of authority becomes active. If the certificate of authority is revoked under section 4723.28 or 4723.281 of the Revised Code, the nurse’s certificate to prescribe is automatically revoked. If the certificate of authority is suspended under either section, the nurse’s certificate to prescribe is automatically suspended while the certificate of authority remains suspended. If a restriction is placed on the certificate of authority under section 4723.28 of the Revised Code, the same restriction is placed on the nurse’s certificate to prescribe while the certificate of authority remains restricted.

[Effective April 10, 2001]

[PRESCRIPTIVE AUTHORITY]

Section 4723.48  Application for Certificate to Prescribe Drugs and Therapeutic Devices

(A)  A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner seeking authority to prescribe drugs and therapeutic devices shall file with the Board of Nursing a written application for a certificate to prescribe. The Board of Nursing shall issue a certificate to prescribe to each applicant who meets the requirements specified in section 4723.482 or 4723.484 of the Revised Code.

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

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

(B)  In the case of an advanced practice nurse who on May 17, 2000, is approved under section 4723.56 of the Revised Code to prescribe drugs and therapeutic devices, the initial certificate to prescribe that the Board issues to the nurse under this section shall not be an externship certificate. The nurse shall be issued a certificate to prescribe that permits the nurse to prescribe drugs and therapeutic devices in collaboration with one or more physicians or podiatrists.

[Effective April 10, 2001]

Section 4723.481  Restrictions on Certificate Holder; Nurse Personally Furnishing Drug or Device

Under a certificate to prescribe issued under section 4723.48 of the Revised Code, a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner is subject to all of the following:

(A)  The nurse shall not prescribe any drug or therapeutic device that is not included in the types of drugs and devices listed on the formulary established in rules adopted under section 4723.50 of the Revised Code;

(B)  The nurse’s prescriptive authority shall not exceed the prescriptive authority of the collaborating physician or podiatrist;

(C)  The nurse may prescribe a schedule II controlled substance as specified in division (A)(2) of section 3719.06 of the Revised Code, but shall not prescribe a schedule II controlled substance in collaboration with a podiatrist;

(D)  The nurse may personally furnish to a patient a sample of any drug or therapeutic device included in the types of drugs and devices listed on the formulary, subject to all of the following:

   (1)  The amount of the sample furnished shall not exceed a seventy-two-hour supply, except when the minimum available quantity of the sample is packaged in an amount that is greater than a seventy-two-hour supply, in which case the nurse may furnish the sample in the packaged amount;

   (2)  No charge may be imposed for the sample or for furnishing it;

   (3)  Samples of controlled substances may not be personally furnished;
(E) The nurse may personally furnish to a patient a complete or partial supply of a drug or therapeutic device included in the types of drugs and devices listed on the formulary, subject to all of the following:

1. The nurse shall personally furnish only antibiotics, antifungals, scabicides, contraceptives, and prenatal vitamins;
2. The nurse shall not furnish the drugs and devices in locations other than a health department operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code, a federally funded comprehensive primary care clinic, or a nonprofit health care clinic or program;
3. The nurse shall comply with all safety standards for personally furnishing supplies of drugs and devices, as established in rules adopted under section 4723.50 of the Revised Code.

[Effective May 17, 2000]

Section 4723.482 Items and Fee to be Included with Application; Instruction in Advanced Pharmacology and Related Topics

(A) An applicant shall include with the application submitted under section 4723.48 of the Revised Code all of the following:

1. Subject to section 4723.483 of the Revised Code, evidence of holding a current, valid certificate of authority issued under section 4723.41 of the Revised Code to practice as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;
2. Except for an advanced practice nurse who on the effective date of this section [May 17, 2000] is approved under section 4723.56 of the Revised Code to prescribe drugs and therapeutic devices, evidence of successfully completing the instruction in advanced pharmacology and related topics specified in division (B) of this section;
3. The fee required by section 4723.08 of the Revised Code for a certificate to prescribe;
4. Any additional information the Board requires pursuant to rules adopted under section 4723.50 of the Revised Code.

(B) All of the following apply to the instruction required under division (A)(2) of this section:

1. The instruction must be obtained not later than three years before the application for the certificate to prescribe is filed;
2. The instruction must be obtained through a course of study consisting of planned classroom and clinical study that is approved by the Board of Nursing in accordance with standards established in rules adopted under section 4723.50 of the Revised Code;
3. The content of the instruction must be specific to the applicant’s nursing specialty and include all of the following:
   a. A minimum of thirty contact hours of training 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;
   b. Training in the fiscal and ethical implications of prescribing drugs and therapeutic devices;
   c. Training in the state and federal laws that apply to the authority to prescribe; and
   d. Any additional training required pursuant to rules adopted under section 4723.50 of the Revised Code.

[Effective May 17, 2000]

Section 4723.483 Application for Initial Certificate by Certain Nurses

In the case of an applicant for an initial certificate to prescribe who received a certificate of authority to practice as a certified nurse-midwife or certified nurse practitioner by meeting the requirements specified in division (B) or (D) of section 4723.41 of the Revised Code, the Board of Nursing shall not issue a certificate to prescribe to the nurse unless both of the following apply:

(A) The applicant submits an application for the certificate to prescribe not later than one year after the effective date of the initial rules adopted under section 4723.50 of the Revised Code; and
(B) The applicant submits evidence of having obtained not less than ten years of clinical experience in the practice of a nursing specialty, three years of which were obtained in the five-year period immediately preceding the date the application is submitted.

[Effective May 17, 2000]

Section 4723.484 Term of Externship Certificate; Application for Subsequent Certificate

(A) A certificate to prescribe issued under section 4723.48 of the Revised Code as an externship certificate is valid for not more than one year, unless earlier suspended or revoked by the Board of Nursing. The certificate may be extended for an additional year if the holder submits to the Board evidence of continued participation in an externship. If an externship is terminated for any reason, the nurse shall notify the Board.

(B) To be eligible for a certificate to prescribe after receiving an externship certificate, an applicant shall include with the application submitted under section 4723.48 of the Revised Code all of the following:

1. A statement from a supervising physician attesting to the applicant’s successful completion of the externship;
2. The fee required by section 4723.08 of the Revised Code for a certificate to prescribe; and
3. Any additional information the Board requires pursuant to rules adopted under section 4723.50 of the Revised Code.

[Effective May 17, 2000]
Section 4723.485 Term of Certificate Generally; Renewal; Continuing Education

(A) A certificate to prescribe under section 4723.48 of the Revised Code that is not issued as an externship certificate is valid for two years, unless otherwise provided in rules adopted under section 4723.50 of the Revised Code or earlier suspended or revoked by the Board. The Board of Nursing shall renew certificates to prescribe according to procedures and a renewal schedule established in rules adopted under section 4723.50 of the Revised Code.

(B) The Board may renew a certificate to prescribe if the holder submits to the Board all of the following:

1. Evidence of having completed during the previous two years at least twelve hours of continuing education in advanced pharmacology, or, if the certificate has been held for less than a full renewal period, the number of hours required by the Board in rules adopted under section 4723.50 of the Revised Code;

2. The fee required under section 4723.08 of the Revised Code for renewal of a certificate to prescribe; and

3. Any additional information the Board requires pursuant to rules adopted under section 4723.50 of the Revised Code.

(C) The continuing education in pharmacology required under division (B)(1) of this section must be received from an accredited institution recognized by the Board. The hours of continuing education required are in addition to any other continuing education requirement that must be completed pursuant to this chapter.

[Effective May 17, 2000]

Section 4723.49 Committee on Prescriptive Governance

(A) There is hereby created the committee on prescriptive governance. The committee shall consist of the following members:

1. A clinical nurse specialist;

2. A certified nurse-midwife;

3. A certified nurse practitioner;

4. A member of the Board of Nursing who at a minimum is a registered nurse;

5. Four physicians who meet the qualifications for appointment specified in division (B) of this section;

6. A pharmacist member of the state board of pharmacy; and

7. A pharmacist actively engaged in practice in the state as a clinical pharmacist.

(B) Except as provided in division (D) of this section, the Board of Nursing shall appoint the members who are nurses, the state medical board shall appoint the members who are physicians, and the state board of pharmacy shall appoint the members who are pharmacists. The physician members shall be appointed in such a manner that the committee at all times includes at least two physicians who collaborate with clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners; one physician certified in family practice by a medical specialty board of the American Medical Association or American Osteopathic Association; and one physician member of the state medical board. If the physician member who is a family practice physician or member of the state medical board is also a collaborating physician, the member may be counted both as a collaborating member and as a family practice physician or state medical board member for purposes of this division.

(C) Initial appointments to the committee shall be made not later than sixty days after the effective date of this section [July 16, 2000]. Of the initial appointments the Board of Nursing must make, two shall be for terms of three years and two shall be for terms of two years. Of the initial appointments the state medical board must make, two shall be for terms of three years and two shall be for terms of two years. Of the initial appointments the state board of pharmacy must make, one shall be for a term of three years and one shall be for a term of two years. Thereafter, terms shall be for three years, with each term ending on the same day of the same month as did the term that it succeeds.

When the term of any member expires, a successor shall be appointed who has the qualifications the vacancy requires. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member’s predecessor was appointed shall hold office for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member’s term until the member’s successor takes office, or until a period of sixty days has elapsed, whichever occurs first. A member may be reappointed.

Recommendations for making initial appointments and filling vacancies may be submitted to the Board of Nursing by professional nursing associations and individuals, to the state medical board by professional medical associations and individuals, and to the state board of pharmacy by professional pharmacy associations and individuals. Each board shall appoint initial members and fill vacancies according to the recommendations it receives. If no recommendations or an insufficient number of recommendations are submitted to a board, the board shall proceed on its own advise.

(D) If the state medical board or state board of pharmacy fails to appoint an initial member prior to sixty days after the effective date of this section or fails to appoint a successor prior to sixty days after the expiration of the term for which the appointment is to be made, the Board of Nursing shall appoint the successor. If the Board of Nursing fails to appoint an initial member prior to sixty days after the effective date of this section or fails to appoint a successor prior to sixty days after the expiration of the term for which the appointment is to be made, the state medical board shall appoint the member after consulting with the state board of pharmacy.

[Effective May 17, 2000]

Section 4723.491 Chairperson; Quorum; Payment for Expenses
(A) The committee on prescriptive governance shall organize by selecting a chairperson from among its members who are nurses or collaborating physicians. The committee may select a new chairperson at any time.

(B) Five members constitute a quorum for the transaction of official business. The clinical pharmacist member may participate in any meeting of the committee, but shall be included as a voting member only when the committee is considering one of the following:

1. The composition of the formulary of drugs and therapeutic devices that may be prescribed by 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;
2. The manner in which a nurse may personally furnish to patients drugs and therapeutic devices packaged as samples and may personally furnish partial or complete supplies of other drugs and therapeutic devices; and
3. Recommendations to be given to the Board of Nursing for use in adopting rules under section 4723.50 of the Revised Code pertaining to the matters specified in divisions (B)(1) and (2) of this section.

(C) Members shall serve without compensation but shall receive payment for their actual and necessary expenses incurred in the performance of their official duties. The expenses shall be paid by the Board of Nursing.

[Effective May 17, 2000]

Section 4723.492 Recommendations

The committee on prescriptive governance shall develop recommendations regarding the authority to prescribe drugs and therapeutic devices pursuant to a certificate to prescribe issued under section 4723.48 of the Revised Code. Not later than fourteen months after the effective date of this section [July 15, 2001], the committee shall submit recommendations to the Board of Nursing as necessary for the Board to fulfill its duty to adopt rules under section 4723.50 of the Revised Code. At the Board’s request, the committee shall reconsider a recommendation it has submitted and resubmit the recommendation to the Board accordingly.

[Effective May 17, 2000]

Section 4723.50 Rules Concerning Prescribing Drugs and Therapeutic Devices

(A) In accordance with Chapter 119. of the Revised Code, the Board of Nursing shall adopt rules as necessary to implement the provisions of this chapter pertaining to the authority of clinical nurse specialists, certified nurse-midwives, and certified nurse practitioners to prescribe drugs and therapeutic devices and the issuance and renewal of certificates to prescribe. Initial rules shall be adopted not later than twenty months after the effective date of this section. [January 15, 2002]

The Board shall adopt rules that are consistent with the recommendations the Board receives from the Committee on Prescriptive Governance pursuant to section 4723.492 of the Revised Code. After reviewing a recommendation submitted by the committee, the Board may either adopt the recommendation as a rule or ask the committee to reconsider and resubmit the recommendation. The Board shall not adopt any rule that does not conform to a recommendation made by the committee.

(B) The Board shall adopt rules under this section that do the following:

1. Establish a formulary listing the types of drugs and therapeutic devices that may be prescribed by a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner. The formulary may include controlled substances, as defined in section 3719.01 of the Revised Code. The formulary shall not permit the prescribing of any drug or device to perform or induce an abortion;
2. Establish safety standards to be followed by a nurse when personally furnishing to patients complete or partial supplies of antibiotics, antifungals, scabicides, contraceptives, and prenatal vitamins;
3. Establish criteria for the components of the standard care arrangements described in section 4723.431 of the Revised Code that apply to a nurse’s authority to prescribe. The rules shall be consistent with that section and include all of the following:
   a. Quality assurance standards;
   b. Standards for periodic review by a collaborating physician or podiatrist of the records of patients treated by the nurse;
   c. Acceptable travel time between the location at which the nurse is engaging in the prescribing components of the nurse’s practice and the location of the nurse’s collaborating physician or podiatrist; and
   d. Any other criteria recommended by the committee on prescriptive governance;
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) of section 4723.482 or division (B)(3) of section 4723.484 of the Revised Code;
5. Establish requirements for Board approval of the instruction in advanced pharmacology and related topics required by section 4723.482 of the Revised Code; and
6. Establish standards and procedures for the appropriate conduct of an externship required by division (B)(1) of section 4723.484 of the Revised Code, including the following:
   a. Standards and procedures to be used in evaluating a nurse’s participation in an externship. Regardless of the method of evaluation used, a nurse shall not be required to participate in an externship longer than one thousand eight hundred hours; and
Standards and procedures for the supervision that a physician must provide during an externship, including supervision provided by working with the nurse and supervision provided by making timely reviews of the records of patients treated by the nurse. The manner in which supervision must be provided may vary according to the location where the nurse is practicing and the nurse’s level of experience.

[Effective May 17, 2000]

[ADVANCED PRACTICE NURSES – PILOT PROGRAMS]

Section 4723.52 Pilot Programs Utilizing Advanced Practice Nurses
(To be repealed January 17, 2004 pursuant to Section 3 of Am. Sub. H.B. 241 of the 123rd G.A.)

(A) The school of nursing of Case Western Reserve University, the school of nursing of Wright State University, and the University of Cincinnati College of Nursing and Health shall each establish a pilot program to provide access to health care in underserved areas through the use of advanced practice nurses. Each pilot program shall be operated by the nursing faculty of the university at which it is established. Each pilot program shall cease to exist three years and eight months after the effective date of this amendment [January 17, 2004].

An advisory committee shall be established for each of the pilot programs. The dean of the medical school at Case Western Reserve University shall appoint two physicians to serve on the advisory committee of the university’s pilot program. The dean of the medical school at Wright State University shall appoint two physicians to serve on the advisory committee of the university’s pilot program. The dean of the medical school at the University of Cincinnati shall appoint two physicians to serve on the advisory committee of the university’s pilot program. To be appointed, a physician must have experience working with registered nurses who are approved as advanced practice nurses under section 4723.55 of the Revised Code or, until one year after the Board of Nursing begins approving nurses under that section, nurses who are qualified to be approved under that section.

(B) The advisory committee of each pilot program shall develop a standard care arrangement in accordance with rules adopted by the Board of Nursing under section 4723.54 of the Revised Code. The standard care arrangement applies only to the advanced practice nurses included in the pilot program for which it is developed. Each advisory committee shall submit a copy of its standard care arrangement to the Board of Nursing for review within thirty days after the Board adopts final rules under division (A) of section 4723.54 of the Revised Code.

(C) Each standard care arrangement shall establish conditions under which an advanced practice nurse must refer a patient to a physician and procedures for quality assurance reviews of advanced practice nurses by the advisory committee, and shall comply with any other requirements established by the Board of Nursing in rules adopted under section 4723.54 of the Revised Code. No standard care arrangement shall permit an advanced practice nurse to prescribe any drug or device to perform or induce an abortion, or to otherwise perform or induce an abortion.

(D) Biennially, each pilot program shall submit a written report of its operation to the governor, the speaker of the House of Representatives, the president of the Senate, the Board of Nursing, the state medical board, the state board of pharmacy, the department of health, and the Formulary Committee for Advanced Practice Nurses established under section 4723.57 of the Revised Code. The first report shall be submitted no later than July 1, 1994.

[Effective May 17, 2000]

Section 4723.53 Reimbursement Under Medicaid Program
(To be repealed January 17, 2004 pursuant to Section 3 of Am. Sub. H.B. 241 of the 123rd G.A.)

Subject to the availability of federal funds, services provided by advanced practice nurses under the pilot programs established by section 4723.52 of the Revised Code are eligible for reimbursement under the medical assistance program established under Chapter 5111. of the Revised Code and shall be reimbursed in accordance with rules adopted under division (B) of section 5111.02 of the Revised Code.

[Effective January 14, 1993]

Section 4723.54 Rules
(To be repealed January 17, 2004 pursuant to Section 3 of Am. Sub. H.B. 241 of the 123rd G.A.)

In accordance with Chapter 119. of the Revised Code, the Board of Nursing shall adopt rules that establish the following:

(A) Requirements for standard care arrangements developed under section 4723.52 of the Revised Code;

(B) Standards and procedures for the approval and renewal of approval of registered nurses as advanced practice nurses under section 4723.55 of the Revised Code;

(C) Criteria specifying the types of experience necessary under division (B) of section 4723.55 of the Revised Code to receive approval as an advanced practice nurse;

(D) Application fees, not to exceed fifty dollars, for approval and renewal of approval of advanced practice nurses;

(E) Application fees, not to exceed fifty dollars, for approval and renewal of approval to prescribe drugs and therapeutic devices;
Section 4723.55 Approval of Registered Nurses as Advanced Practice Nurses

(A) For purposes of the pilot programs established by section 4723.52 of the Revised Code, the Board of Nursing may approve registered nurses as advanced practice nurses. The Board shall not approve as an advanced practice nurse a person who is practicing as a certified registered nurse anesthetist.

Any individual who desires to receive approval shall submit a written application to the Board of Nursing on forms the Board shall prescribe and furnish. The application shall be accompanied by the fee established in rules adopted under section 4723.54 of the Revised Code and shall include any information the Board requires pursuant to rules adopted under that section.

(B) The Board may approve an applicant as an advanced practice nurse if the applicant has completed no less than three years of experience in the practice of nursing as a registered nurse that meets the criteria specified by the Board pursuant to rules adopted under section 4723.54 of the Revised Code and either of the following applies:

1. The applicant is a nurse-midwife holding a current, valid certificate issued under section 4723.42 of the Revised Code and is certified by the American College of Nurse-Midwives;
2. The applicant is a registered nurse certified as a clinical nurse specialist or nurse practitioner by a national certifying organization recognized by the Board.

(C) For purposes of division (B) of this section, the Board of Nursing may recognize a national certifying organization if all of the following apply:

1. The organization’s certification standards prescribe minimum educational and professional experience requirements beyond those required for licensure as a registered nurse, including completion of a course of study in advanced practice nursing;
2. The organization’s certification standards require successful completion of an examination acceptable to the Board of Nursing;
3. The organization establishes professional titles and initials for use by those it certifies that are acceptable to the Board of Nursing.

(D) Approval under this section as an advanced practice nurse is valid for two years. The Board may renew its approval of an advanced practice nurse if the nurse submits a written application to the Board on forms the Board shall prescribe and furnish. The application shall be accompanied by the renewal fee established in rules adopted under section 4723.54 of the Revised Code and shall include any information the Board requires pursuant to rules adopted under that section.

Section 4723.56 Approval of Advanced Practice Nurse to Prescribe Drugs and Therapeutic Devices

(A) For purposes of the pilot programs established by section 4723.52 of the Revised Code, the Board of Nursing may approve an advanced practice nurse to prescribe drugs and therapeutic devices if the nurse submits to the Board all of the following:

1. Evidence of having attained at least a master’s degree in nursing from an accredited institution recognized by the Board;
2. Evidence of completing the pharmacology instruction required by division (B) of this section;
3. A copy of the protocol established between the nurse and the nurse’s collaborating physician that meets the requirements of division (C) of this section and receives approval from the Formulary Committee for Advanced Practice Nurses established under section 4723.57 of the Revised Code;
4. Any other information the Board requires pursuant to rules adopted under section 4723.58 of the Revised Code;
5. The fee established in rules adopted under section 4723.54 of the Revised Code.

(B) To receive approval under this section to prescribe drugs and therapeutic devices, an advanced practice nurse must have completed a minimum of thirty hours of instruction in pharmacology. The instruction must have been completed within three years prior to application for the approval, unless the Board of Nursing established by rules adopted under section 4723.58 of the Revised Code another time period within which the instruction must have been completed. The instruction may have been received through either of the following:

1. Planned classroom, clinical, or provider-directed independent study in pharmacology from an accredited institution recognized by the Board of Nursing;
2. Pharmacology courses determined to be acceptable by the Board pursuant to rules adopted under section 4723.58 of the Revised Code.

(C) Each advanced practice nurse who desires to receive approval under this section to prescribe drugs and therapeutic devices shall enter into an arrangement with a collaborating physician. The advanced practice nurse and the collaborating physician shall develop a written protocol that establishes the arrangement between the nurse and the physician. The protocol shall include the following:
(1) The drugs that the advanced practice nurse may prescribe and the limitations on the authority to prescribe them, including any restrictions on dosage units or refills, in accordance with the formulary established in rules adopted under section 4723.58 of the Revised Code;

(2) The conditions under which the advanced practice nurse must refer patients to the collaborating physician or another physician;

(3) The responsibilities of the collaborating physician;

(4) Procedures for quality assurance reviews of the advanced practice nurse by the collaborating physician.

(D)(1) On receipt of a protocol under division (A) of this section, the Board shall submit the protocol to the Formulary Committee for Advanced Practice Nurses for the committee’s review. An advanced practice nurse shall prescribe drugs and therapeutic devices only in accordance with a protocol approved by the committee.

(2) If an advanced practice nurse and collaborating physician propose to make a change in an approved protocol, the advanced practice nurse shall file the proposed change with the Board of Nursing at least thirty days prior to the date on which the proposed change is intended to become effective. The Board shall submit the proposed change to the Formulary Committee for the committee’s review. The advanced practice nurse and collaborating physician shall implement the change only if it is approved by the committee.

(E) Notwithstanding any other provision of this chapter or Chapter 2925., 3719., 4729., or 4731. of the Revised Code to the contrary, an advanced practice nurse approved under this section may prescribe drugs and therapeutic devices as specified in the protocol established between the nurse and the collaborating physician and may personally supply drugs and therapeutic devices in accordance with section 4723.561 of the Revised Code.

(F) Approval under this section to prescribe and personally supply drugs and therapeutic devices is valid for two years. The Board may renew its approval to prescribe drugs and therapeutic devices if the nurse submits to the Board all of the following:

(1) Evidence of completing during the previous two years at least twelve hours of continuing education in pharmacology from an accredited institution recognized by the Board;

(2) A written recommendation for renewal from the nurse’s collaborating physician;

(3) Any other information the Board requires pursuant to rules adopted under section 4723.58 of the Revised Code;

(4) The fee established in rules adopted under section 4723.54 of the Revised Code.

(G) The continuing education required by this section is in addition to the continuing education required under section 4723.24 of the Revised Code.

(H) Application for approval under this section may be made at the same time that application is made for approval under section 4723.55 of the Revised Code or at any time subsequent to receiving approval under that section.

[Effective June 30, 1997]

Section 4723.561 Nurse May Personally Supply Certain Drugs and Devices

(To be repealed January 17, 2004 pursuant to Section 3 of Am. Sub. H.B. 241 of the 123rd G.A.)

An advanced practice nurse approved by the Board of Nursing under section 4723.56 of the Revised Code to prescribe drugs and therapeutic devices as part of a pilot program established under section 4723.52 of the Revised Code may personally furnish to patients the following drugs and devices that are within the advanced practice nurse’s authority to prescribe: antibiotics, antifungals, scabicides, contraceptives, and prenatal vitamins.

The advanced practice nurse shall maintain a written record of drugs and devices personally furnished under this section. For each drug or device furnished, the collaborating physician shall review the record within seventy-two hours after the drug or device is furnished.

[Effective May 17, 2000]

Section 4723.562 Limitation on Number of Approved Nurses

(To be repealed January 17, 2004 pursuant to Section 3 of Am. Sub. H.B. 241 of the 123rd G.A.)

On and after the effective date of this section [May 17, 2000], the number of advanced practice nurses with approval to prescribe drugs and therapeutic devices who are permitted to participate in a pilot program established under section 4723.52 of the Revised Code shall not exceed the number of nurses with that approval who were permitted to participate in that program on the effective date of this section.

[Effective May 17, 2000]

Section 4723.563 Participation in Abortion Not Authorized

(To be repealed January 17, 2004 pursuant to Section 3 of Am. Sub. H.B. 241 of the 123rd G.A.)

No protocol established between an advanced practice nurse and a collaborating physician may authorize, and nothing in the chapter shall be construed as authorizing, an advanced practice nurse to prescribe any drug or device to perform or induce an abortion, or to otherwise perform or induce an abortion.

[Effective May 17, 2000]
Section 4723.57  Formulary Committee for Advanced Practice Nurses
(To be repealed January 17, 2004 pursuant to Section 3 of Am. Sub. H.B. 241 of the 123rd G.A.)

(A) There is hereby created the Formulary Committee for Advanced Practice Nurses. Three members of the committee shall be advanced practice nurses appointed by the Board of Nursing, each of whom shall hold at least a master’s degree in nursing. One of these members shall be a nurse-midwife certified by the American College of Nurse-Midwives, one shall be a nurse practitioner certified as such by a national certifying organization recognized by the Board of Nursing in accordance with section 4723.55 of the Revised Code, and one shall be a clinical nurse specialist certified as such by a national certifying organization recognized by the Board of Nursing in accordance with section 4723.55 of the Revised Code. Three members shall be physicians appointed by the state medical board who have experience working with advanced practice nurses. One member shall be a pharmacist appointed by the state board of pharmacy. The director of health or his designee shall serve as a nonvoting member of the Formulary Committee.

Initial appointments to the Formulary Committee shall be made within sixty days after the effective date of this section. Vacancies shall be filled in the manner provided for original appointments.

Annually, the Formulary Committee shall organize by selecting a chairman from its voting members. For the committee to take any action, the action must be approved by affirmative vote of at least four voting members, of which two must be advanced practice nurses and two must be physicians. Members shall serve without compensation but shall be reimbursed by the Board of Nursing for their actual and necessary expenses incurred in carrying out their duties as committee members.

(B) The Formulary Committee shall make recommendations to the Board of Nursing regarding the Board’s adoption of rules under section 4723.58 of the Revised Code. It shall review, and approve or disapprove, each protocol and proposed change to a protocol it receives from the Board of Nursing pursuant to section 4723.56 of the Revised Code.  
[Effective January 14, 1993]

Section 4723.58  Rules for Approval to Prescribe Drugs and Therapeutic Devices
(To be repealed January 17, 2004 pursuant to Section 3 of Am. Sub. H.B. 241 of the 123rd G.A.)

(A) In accordance with Chapter 119. of the Revised Code, the Board of Nursing shall adopt rules regarding the approval of advanced practice nurses under section 4723.56 of the Revised Code to prescribe drugs and therapeutic devices. The rules shall be consistent with the recommendations of the Formulary Committee for Advanced Practice Nurses and shall establish all of the following:

1. A formulary listing the drugs and therapeutic devices, including types and classes where appropriate, that may be prescribed by advanced practice nurses;
2. Requirements pertaining to the protocol that is required to be established between an advanced practice nurse and the nurse’s collaborating physician;
3. Requirements regarding the pharmacology courses that an advanced practice nurse is required to complete to receive approval or renewal of approval to prescribe drugs and therapeutic devices;
4. Standards and procedures for approval and renewal of approval of advanced practice nurses to prescribe drugs and therapeutic devices;
5. Any other requirements with regard to advanced practice nurses approved to prescribe drugs and therapeutic devices.

(B) The drugs included in the formulary shall not include any schedule I or II controlled substance, as specified in section 3719.41 of the Revised Code. The formulary may include restrictions and requirements for prescriptions and shall include requirements specific to advanced practice nursing. The formulary shall not permit the prescribing of any drug or device to perform or induce an abortion.  
[Effective May 17, 2000]

Section 4723.59  Nurse to Follow Standard Care Arrangement and Protocol; Discipline of Collaborating Physician
(To be repealed January 17, 2004 pursuant to Section 3 of Am. Sub. H.B. 241 of the 123rd G.A.)

(A) An advanced practice nurse shall practice as an advanced practice nurse only in accordance with the standard care arrangement developed under section 4723.52 of the Revised Code for the pilot program in which the nurse is participating. An advance action under section 4723.28 of the Revised Code for violation of this chapter and the rules adopted under it.

(B) An advanced practice nurse approved under section 4723.56 of the Revised Code shall prescribe drugs and therapeutic devices specified in the prescriptive authority protocol established between the nurse and the collaborating physician only in accordance with the protocol. An advanced practice nurse approved under section 4723.56 of the Revised Code shall personally furnish drugs and therapeutic devices in accordance with section 4723.561 of the Revised Code. Any advanced practice nurse who does not follow the protocol or personally furnish drugs and devices in accordance with section 4723.561 of the Revised Code is guilty of unprofessional conduct and is subject to disciplinary action under section 4723.28 of the Revised Code for violation of this chapter and the rules adopted under it.

(C) Any collaborating physician who does not perform the responsibilities the physician agreed to perform in the protocol established between the physician and an advanced practice nurse in accordance with section 4723.56 of the Revised Code is guilty of unprofessional conduct and is subject to disciplinary action by the state medical board. Under this division, the state medical board may
revoke, limit, or suspend the physician’s certificate to practice, pursuant to an adjudicatory hearing under Chapter 119. of the Revised Code and vote of not less than six of its members.

[Effective May 17, 2000]

Section 4723.60 Deposit of Application Fees

(To be repealed January 17, 2004)

All application fees for approval and renewal of approval of advanced practice nurses collected under section 4723.55 of the Revised Code shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund.

[Effective July 1, 1993]

Section 4723.63 Effect of Child Support Default

On receipt of a notice pursuant to section 3123.43 of the Revised Code, the Board of Nursing shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a nursing license, dialysis technician certificate, or community health worker certificate issued pursuant to this chapter.

[Effective September 26, 2003]

[DIALYSIS TECHNICIANS]

Section 4723.71 Advisory Group on Dialysis

(A) There is hereby established, under the Board of Nursing, the advisory group on dialysis. The advisory group shall advise the Board of Nursing regarding the qualifications, standards for training, and competence of dialysis technicians and all other matters related to dialysis technicians. The advisory group shall consist of the members appointed under division (B) and (C) of this section. A member of the Board of Nursing or a representative appointed by the Board shall serve as chairperson of all meetings of the advisory group.

(B) The Board of Nursing shall appoint the following as members of the advisory group.

1. Four dialysis technicians;
2. A registered nurse who regularly performs dialysis and cares for patients who receive dialysis;
3. A physician, recommended by the state medical board, who specializes in nephrology;
4. An administrator of a dialysis center;
5. A dialysis patient;
6. A representative of the Association for Hospitals and Health Systems (OHA); and
7. A representative from the end-stage renal disease network, as defined in 42 C.F.R. 405.2102.

(C) The members of the advisory group appointed under division (B) of this section may recommend additional persons to serve as members of the advisory group. The Board of Nursing may appoint, as appropriate, any of the additional persons recommended.

(D) The Board of Nursing shall specify the terms for the advisory group members. Members shall serve at the discretion of the Board of Nursing. Members shall receive their actual and necessary expenses incurred in the performance of their official duties.

(E) Sections 101.82 to 101.87 of the Revised Code do not apply to the advisory group.

[Effective March 22, 2001]

Section 4723.72 Authorized Activities of Dialysis Technicians

(A) A dialysis technician may engage in dialysis care by doing the following:

1. Performing and monitoring dialysis procedures, including initiating, monitoring, and discontinuing dialysis;
2. Drawing blood;
3. Administering any of the medications specified in division (C) of this section when the administration is essential to the dialysis process; and
4. Responding to complications that arise during dialysis.

(B) A dialysis technician may provide the dialysis care specified in division (A) of this section only if the care has been delegated to the technician by a physician or registered nurse and the technician is under the supervision of a physician or registered nurse. Supervision requires that the dialysis technician be in the immediate presence of a physician or registered nurse, or, in the case of dialysis care provided in a patient’s home, that the dialysis technician be supervised in accordance with the rules adopted under section 4723.79 of the Revised Code for supervision of dialysis technicians who provide dialysis care in a patient’s home. Division (E)(5) of section 4723.73 of the Revised Code does not allow a dialysis technician who provides dialysis care in a patient’s home to provide dialysis care that is not authorized under this section.

(C) A dialysis technician may administer medication only as ordered by a licensed health professional authorized to prescribe drugs as defined in section 4729.01 of the Revised Code and in accordance with the standards established in rules adopted under section 4723.79 of the Revised Code. A dialysis technician may administer only the following medications:
Section 4723.73  Prohibitions Concerning Dialysis Technicians

(A) No person shall claim to the public to be a dialysis technician unless the person holds a current, valid certificate issued under section 4723.75 or renewed under section 4723.77 or a current, valid temporary certificate issued under section 4723.76 of the Revised Code.

(B) No person shall use the title “Ohio Certified Dialysis Technician,” the initials “OCDT”, or any other title or initials to represent that the person is authorized to perform dialysis care as a fully certified dialysis technician, unless the person holds a current, valid certificate issued under section 4723.75 or renewed under section 4723.77 of the Revised Code.

(C) No person shall use any title or initials to represent that the person is authorized to perform dialysis care as a temporarily certified dialysis technician, unless the person holds a current, valid temporary certificate issued under section 4723.76 of the Revised Code.

(D) No dialysis technician shall engage in dialysis care in a manner that is inconsistent with section 4723.72 of the Revised Code.

(E) No person other than a dialysis technician shall engage in the dialysis care that is authorized by section 4723.72 of the Revised Code, unless one of the following applies:

1. The person is a registered nurse or licensed practical nurse.
2. The person is a physician.
3. The person is a student performing dialysis care under the supervision of an instructor as an integral part of a dialysis training program approved by the Board of Nursing under section 4723.74 of the Revised Code.
4. The person is a dialysis patient who has been trained to engage in the dialysis care with little or no professional assistance by completing a medicare-approved self-dialysis or home dialysis training program.
5. The person is a family member or friend of a dialysis patient who engages in self-dialysis or home dialysis, and the person engages in the dialysis care by assisting the patient in performing the self-dialysis or home dialysis, after the person providing the assistance has completed a medicare-approved self-dialysis or home dialysis training program for the particular dialysis patient being assisted.

(F) No person shall operate a dialysis training program, unless the program is approved by the Board of Nursing under section 4723.74 of the Revised Code.

Section 4723.74  Approval of a Dialysis Training Program

(A) A person who seeks to operate a dialysis training program shall apply to the Board of Nursing for approval of the program. Applications shall be submitted in accordance with rules adopted under section 4723.79 of the Revised Code. The person shall include with the application the fee prescribed in those rules. If the program meets the requirements for approval as specified in the rules, the Board shall approve the program. A program shall apply for reapproval and may be reapproved in accordance with rules adopted under section 4723.79 of the Revised Code.

The Board may withdraw the approval of a program that ceases to meet the requirements for approval. Any action to withdraw the approval shall be taken in accordance with Chapter 119. of the Revised Code.

(B) A person shall not be permitted to enroll, and shall not enroll, in a dialysis training program approved by the Board under division (A) of this section unless the person is eighteen years of age or older and possesses a high school diploma or high school equivalence diploma.

Section 4723.75  Issuance of Certificate; Demonstration of Competency

(A) The Board of Nursing shall issue a certificate to practice as a dialysis technician to a person who meets all of the following requirements:

1. For all persons, the person applies to the Board in accordance with rules adopted under section 4723.79 of the Revised Code and includes with the application the fee established in those rules.
2. For all persons, the person meets the requirements established by the Board’s rules.
(3) For all persons, the person demonstrates competency to practice as a dialysis technician, as specified under division (B) of this section.

(4) For persons who entered a dialysis training program on or after June 1, 2003, the criminal records check of the person that is completed by the bureau of criminal identification and investigation and includes a check of federal bureau of investigation records and that the bureau submits to the Board indicates that the person has not been convicted of, has not pleaded guilty to, and has not had a judicial finding of guilt for violating section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, or 2911.11 of the Revised Code or a substantially similar law of another state, the United States, or another country.

(B) For a person to demonstrate competence to practice as a dialysis technician, one of the following must apply:

1. The person meets all of the following requirements:
   (a) The person has successfully completed a dialysis training program approved by the Board under section 4723.74 of the Revised Code;
   (b) The person has been employed to perform dialysis care by a dialysis provider for not less than twelve months prior to the date of application; and
   (c) The person passes a certification examination demonstrating competence to perform dialysis care. The person must pass the examination not later than eighteen months after entering a dialysis training program approved by the Board under section 4723.74 of the Revised Code. A person who does not pass the examination within eighteen months after entering a dialysis training program must repeat and successfully complete the training program, or successfully complete another dialysis training program approved by the Board, and pass the examination not less than six months after entering the new or repeated program. A person who does not pass the examination within six months after entering the new or repeated program must wait at least one year before entering or reentering any dialysis training program approved by the Board, after which the person must successfully complete a dialysis training program approved by the Board and pass the examination not later than six months after entering the program; or
2. The person meets both the following requirements:
   (a) The person holds, on December 24, 2000, a current, valid certificate from a qualifying testing organization specified by the Board under division (B) of section 4723.751 of the Revised Code or provides evidence satisfactory to the Board of having passed the examination of a qualifying testing organization not longer than five years prior to December 24, 2000.
   (b) The dialysis provider who employs the person provides the Board with the information specified in rules adopted under section 4723.79 of the Revised Code attesting to the person’s competence to perform dialysis care; or
   (3) The person submits evidence satisfactory to the Board that the person holds a current, valid license, certificate, or other authorization to perform dialysis care issued by another state that has standards for dialysis technicians that the Board considers substantially similar to those established under sections 4723.71 to 4723.79 of the Revised Code.

(C) A person who applies under this section to be certified to practice as a dialysis technician shall submit a request to the bureau of criminal identification and investigation for a criminal records check of the applicant. The request shall be on the form prescribed pursuant to division (C)(1) of section 109.572, accompanied by a standard impression sheet to obtain fingerprints prescribed pursuant to division C)(2) of that section, and accompanied by the fee prescribed pursuant to division (C)(3) of that section. Upon receipt of the completed form, the completed impression sheet, and the fee, the bureau shall conduct a criminal records check of the applicant. Upon completion of the criminal records check, the bureau shall send the results of the check to the Board. A person requesting a criminal records check under this division shall ask the superintendent of the bureau of criminal identification and investigation to also request the federal bureau of investigation to provide the superintendent with any information it has with respect to the person.

The result of any criminal records check conducted pursuant to a request made under this section, and any report containing those results, are not public records for purposes of section 149.43 of the Revised Code and shall not be made available to any person or for any purpose other than the following:

1. The results may be made available to any person for use in determining under this section and division (N) of section 4723.28 of the Revised Code whether the individual who is the subject of the check should be issued a certificate to practice as a dialysis technician.

2. The results may be made available to the individual who is the subject of the check or that individual’s representative.

[Effective July 8, 2002]

Section 4723.751 Examinations; Qualifying Testing Organizations

(A) The Board of Nursing shall either conduct dialysis technician certification examinations itself or, in accordance with rules adopted under section 4723.79 of the Revised Code, approve testing organizations to conduct the examinations. If it conducts the examinations, the Board may use all or part of a standard examination created by a testing organization approved by the Board. Regardless of who conducts it, the examination shall cover all of the subjects specified in rules adopted under section 4723.79 of the Revised Code.

(B) The Board shall specify the testing organizations that qualify a person to demonstrate competence to practice as a dialysis technician pursuant to division (B)(2) of section 4723.75 of the Revised Code.

[Effective December 24, 2000]
Section 4723.76 Temporary Certificate
(A) The Board of Nursing shall issue a temporary certificate to practice as a dialysis technician to a person who meets all of the following requirements:

1. The person applies to the Board in accordance with rules adopted under section 4723.79 of the Revised Code and includes with the application the fee established in those rules;
2. The person provides documentation from the person’s employer that demonstrates that the person is competent to perform dialysis care;
3. One of the following applies:
   a. The person has successfully completed a dialysis training program approved by the Board of Nursing under section 4723.74 of the Revised Code;
   b. The person is, on December 24, 2000, employed as a dialysis technician but has been so employed for less than twelve months;
   c. The person has experience as a dialysis technician in a jurisdiction that does not license or certify dialysis technicians and has successfully completed a training program that is substantially similar to a program approved by the Board.

(B) A temporary certificate issued to a person who meets the requirements in division (A)(3)(a) of this section is valid for eighteen months from the date on which the holder entered a dialysis training program approved by the Board under section 4723.74 of the Revised Code.

A temporary certificate issued to a person who meets the requirement in division (A)(3)(b) of this section is valid for the number of months equal to eighteen months minus the number of months the person has been employed as a dialysis technician.

A temporary certificate issued to a person who meets the requirement in division (A)(3)(c) of this section and has been working as a dialysis technician for twelve months or longer is valid for six months. A temporary certificate issued to a person who meets the requirements in division (A)(3)(c) of this section and has been employed as a dialysis technician for less than twelve months is valid for the number of months equal to eighteen months minus the number of months the person has been employed as a dialysis technician.

(C) A temporary certificate issued under this section may be renewed once if the holder enrolls or re-enrolls in a dialysis training program approved by the Board. A temporary certificate that has been renewed is not renewable. A person holding a temporary certificate shall provide a copy of the temporary certificate to the dialysis provider who employs the person. The person shall not act as a trainer or preceptor in any dialysis training program.

[Effective April 10, 2001]

Section 4723.77 Expiration, Renewal of Certificate
A certificate issued under section 4723.75 of the Revised Code expires biennially and shall be renewed according to a schedule established by the Board of Nursing in rules adopted under section 4723.79 of the Revised Code. An application for renewal of a certificate shall be accompanied by the renewal fee established in rules adopted by the Board under section 4723.79 of the Revised Code. A certificate may be renewed only if during the period for which the certificate was issued, the certificate holder satisfied the continuing education requirements established by the Board’s rules. Of the hours of continuing education completed during the period for which the certificate was issued, at least one hour of the education must be directly related to the statutes and rules pertaining to the practice of nursing in this state or the practice as a dialysis technician in this state.

[Effective July 8, 2002]

Section 4723.78 Dialysis Registry
(A) The Board of Nursing shall establish a dialysis registry that contains the following information:

1. The names of, and other identifying information specified in rules adopted under section 4723.79 of the Revised Code about the following:
   a. Persons who have enrolled in a dialysis training program approved by the Board under section 4723.74 of the Revised Code;
   b. Persons who hold a current, valid certificate issued under section 4723.75 of the Revised Code; and
   c. Persons who hold a current, valid temporary certificate issued under section 4723.76 of the Revised Code;
2. The names and locations of the dialysis providers who employ the dialysis technicians listed in divisions (A)(1)(b) and (c) of this section.

(B) Persons shall provide to the Board information that is to be included in the dialysis registry in accordance with rules adopted under section 4723.79 of the Revised Code.

[Effective December 24, 2000]

Section 4723.79 Rules
The Board of Nursing shall adopt rules to administer and enforce sections 4723.71 to 4723.79 of the Revised Code. The Board shall adopt the rules in accordance with Chapter 119. of the Revised Code. The rules shall establish or specify all of the following:

(A) The application process, fee, and requirements for approval, reapproval, and withdrawing the approval of a dialysis training program under section 4723.74 of the Revised Code. The requirements shall include standards that must be satisfied regarding curriculum, length of training, and instructions in patient care;

(B) The application process, fee, and requirements for issuance of a certificate under section 4723.75 of the Revised Code, except that the amount of the fee shall be no greater than the fee charged under division (A)(1) of section 4723.08 of the Revised Code;

(C) The application process, fee, and requirements for issuance of a temporary certificate under section 4723.76 of the Revised Code;

(D) The process for approval of testing organizations under section 4723.751 of the Revised Code;

(E) Subjects to be included in a certification examination provided for in division (B)(1) of section 4723.75 of the Revised Code;

(F) The schedule, fees, and continuing education requirements for renewal of a certificate under section 4723.77 of the Revised Code, except that the fee for the renewal of a certificate shall be no greater than the fee charged under division (A)(9) of section 4723.08 of the Revised Code or, effective September 1, 2003, division (A)(10) of that section;

(G) Standards and procedures for establishing and maintaining the dialysis registry required by section 4723.78 of the Revised Code, including standards and procedures that persons must follow in providing the information to be included in the registry;

(H) Standards for the administration of medication by dialysis technicians under section 4723.72 of the Revised Code;

(I) The information a dialysis provider is to provide to the Board when attesting to a person’s competence to perform dialysis;

(J) Standards and procedures for the supervision of dialysis technicians who provide dialysis care in a patient’s home, including monthly home visits by a registered nurse to monitor the quality of the dialysis care; and

(K) Any other procedures or requirements necessary for the administration and enforcement of sections 4723.71 to 4723.79 of the Revised Code.

[Effective September 5, 2001]

[COMMUNITY HEALTH WORKERS]

Sec. 4723.81 Certification of Community Health Workers

The Board of Nursing shall develop and implement a program for the certification of community health workers. The Board shall begin issuing community health worker certificates under section 4723.85 of the Revised Code not later than February 1, 2005. The certification program shall reflect the Board’s recognition of individuals who, as community representatives, advocate for individuals and groups in the community by assisting them in accessing community health and supportive resources through the provision of such services as education, role modeling, outreach, home visits, and referrals, any of which may be targeted toward an individual, family, or entire community. The certification program also shall reflect the Board’s recognition of the individuals as members of the community with a unique perspective of community needs that enables them to develop culturally appropriate solutions to problems and translate the solutions into practice.

The certification program does not require an individual to obtain a community health worker certificate as a means of authorizing the individual to perform any of the activities that may be performed by an individual who holds a community health worker certificate.

[Effective September 26, 2003]

Sec. 4723.82 Prohibitions Concerning Community Health Workers

(A) An individual who holds a current, valid community health worker certificate issued by the Board of Nursing under section 4723.85 of the Revised Code may use the title “certified community health worker” or “community health worker.” When providing services within the community, the certificate holder may represent to the public that the individual is providing the services under either title.

(B)(1) Holding a community health worker certificate does not authorize an individual to administer medications or perform any other activity that requires judgment based on nursing knowledge or expertise. Any activities performed by a certified community health worker that are related to nursing care shall be performed only pursuant to the delegation of a registered nurse acting in accordance with the rules for delegation adopted under this chapter. Any other health-related activities performed by a certified community health worker shall be performed only under the supervision of a health professional acting within the scope of the professional’s practice.

Only a registered nurse may supervise a certified community health worker when performing delegated activities related to nursing care. The registered nurse supervising a certified community health worker shall provide the supervision in accordance with the rules for delegation adopted under this chapter and the rules for supervision of community health workers adopted under section 4723.88 of the Revised Code, including the rules limiting the number of certified community health workers who may be supervised at any one time.

(2) A registered nurse who delegates activities to a certified community health worker or supervises a certified community health worker in the performance of delegated activities is not liable in damages to any person or government entity
in a civil action for injury, death, or loss to person or property that allegedly arises from an action or omission of the certified community health worker in performing the activities, if the registered nurse delegates the activities or provides the supervision in accordance with this chapter and the rules adopted under this chapter.

[Effective September 26, 2003]

Sec. 4723.83  Application for Certificate

(A) An individual seeking a community health worker certificate shall submit an application to the Board of Nursing on forms the Board shall prescribe and furnish. The applicant shall include all information the Board requires to process the application. The application shall be accompanied by the fee established in rules adopted under section 4723.88 of the Revised Code.

(B) An applicant for a community health worker certificate shall submit a request to the Bureau of Criminal Identification and Investigation for a criminal records check of the applicant. The request shall be on the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code, accompanied by a standard impression sheet to obtain fingerprints prescribed pursuant to division (C)(2) of that section, and accompanied by the fee prescribed pursuant to division (C)(3) of that section. On receipt of the completed form, the completed impression sheet, and the fee, the bureau shall conduct a criminal records check of the applicant. On completion of the criminal records check, the bureau shall send the results of the check to the Board. The applicant shall ask the superintendent of the Bureau of Criminal Identification and Investigation to request that the Federal Bureau of Investigation provide the superintendent with any information it has with respect to the applicant.

The results of any criminal records check conducted pursuant to a request made under this section, and any report containing those results, are not public records for purposes of section 149.43 of the Revised Code and shall not be made available to any person or for any purpose other than the following:

1. The results may be made available to any person for use in determining whether the individual who is the subject of the check should be issued a community health worker certificate.

2. The results may be made available to the individual who is the subject of the check or that individual’s representative.

[Effective September 26, 2003]

Sec. 4723.84  Issuance of Certificate

(A) To be eligible to receive a community health worker certificate, an applicant shall meet all of the following conditions:

1. Be eighteen years of age or older;
2. Possess a high school diploma or the equivalent of a high school diploma, as determined by the Board;
3. Except as provided in division (B) of this section, successfully complete a community health worker training program approved by the Board under section 4723.87 of the Revised Code;
4. Have results on the criminal records check requested under section 4723.83 of the Revised Code indicating that the individual has not been convicted of, has not pleaded guilty to, and has not had a judicial finding of guilt for violating section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, or 2911.11 of the Revised Code or a substantially similar law of another state, the United States, or another country;
5. Meet all other requirements the Board specifies in rules adopted under section 4723.88 of the Revised Code.

(B) In lieu of meeting the condition of completing a community health worker training program, an applicant may be issued a community health worker certificate if the individual was employed in a capacity substantially the same as a community health worker before the board implemented the certification program. To be eligible under this division, an applicant must meet the requirements specified in rules adopted by the board under section 4723.88 of the Revised Code and provide documentation from the employer attesting to the employer’s belief that the applicant is competent to perform activities as a certified community health worker.

[Effective September 26, 2003]

Sec. 4723.85  Expiration, Renewal of Certificate

(A) The Board of Nursing shall review all applications received under section 4723.83 of the Revised Code. If an applicant meets the requirements of section 4723.84 of the Revised Code, the Board shall issue a community health worker certificate to the applicant.

(B) A community health worker certificate issued under this section expires biennially and may be renewed in accordance with the schedule and procedures established by the Board in rules adopted under section 4723.88 of the Revised Code. To be eligible for renewal, an individual must complete the continuing education requirements established by the Board in rules adopted under section 4723.88 of the Revised Code and meet all other requirements for renewal, as specified in the Board’s rules adopted under that section. If an applicant for renewal has successfully completed the continuing education requirements and meets all other requirements for renewal, the Board shall issue a renewed community health worker certificate to the applicant.

[Effective September 26, 2003]

Sec. 4723.86  Disciplinary Actions Against Certificate Holders

The Board of Nursing, by vote of a quorum, may deny, revoke, or suspend a community health worker certificate. The Board may impose one or more of the sanctions against an applicant or certificate holder for any of the reasons it specifies in rules adopted under
section 4723.88 of the Revised Code. All actions to impose a sanction shall be taken in accordance with Chapter 119. of the Revised Code.

[Effective September 26, 2003]

Sec. 4723.87 Approval of a Training Program

(A) A person or government entity seeking to operate a training program that prepares individuals to become certified community health workers shall submit an application to the Board of Nursing on forms the Board shall prescribe and furnish. The applicant shall include all information the Board requires to process the application. The application shall be accompanied by the fee established in rules adopted under section 4723.87 of the Revised Code.

The Board shall review all applications received. If an applicant meets the standards for approval established in the Board’s rules adopted under section 4723.88 of the Revised Code, the Board shall approve the program.

(B) The Board’s approval of a training program expires biennially and may be renewed in accordance with the schedule and procedures established by the Board in rules adopted under section 4723.88 of the Revised Code.

(C) If an approved community health worker training program ceases to meet the standards for approval, the Board shall withdraw its approval of the program, refuse to renew its approval of the program, or place the program on provisional approval. In withdrawing or refusing to renew its approval, the Board shall act in accordance with Chapter 119. of the Revised Code. In placing a program on provisional approval, the Board shall specify the period of time during which the provisional approval is valid. At the end of the period, the Board shall reconsider whether the program meets the standards for approval. If the program meets the standards for approval, the Board shall reinstate its full approval of the program or renew its approval of the program. If the program does not meet the standards for approval, the Board shall proceed by withdrawing or refusing to renew its approval of the program.

[Effective September 26, 2003]

Sec. 4723.88 Rules

The Board of Nursing, in accordance with Chapter 119. of the Revised Code, shall adopt rules to administer and enforce sections 4723.81 to 4723.87 of the Revised Code. The rules shall establish all of the following:

(A) Standards and procedures for issuance of community health worker certificates;

(B) Standards for evaluating the competency of an individual who applies to receive a certificate on the basis of having been employed in a capacity substantially the same as a community health worker before the board implemented the certification program;

(C) Standards and procedures for renewal of community health worker certificates, including the continuing education requirements that must be met for renewal;

(D) Standards governing the performance of activities related to nursing care that are delegated by a registered nurse to certified community health workers. In establishing the standards, the Board shall specify limits on the number of certified community health workers a registered nurse may supervise at any one time.

(E) Standards and procedures for assessing the quality of the services that are provided by certified community health workers;

(F) Standards and procedures for denying, suspending, and revoking a community health worker certificate, including reasons for imposing the sanctions that are substantially similar to the reasons that sanctions are imposed under section 4723.28 of the Revised Code;

(G) Standards and procedures for approving and renewing the Board’s approval of training programs that prepare individuals to become certified community health workers. In establishing the standards, the Board shall specify the minimum components that must be included in the training program, shall require that all approved training programs offer the standardized curriculum, and shall ensure that the curriculum enables individuals to use the training as a basis for entering programs leading to other careers, including nursing education programs.

(H) Standards and procedures for withdrawing the Board’s approval of a training program, refusing to renew the approval of a training program, and placing a training program on provisional approval;

(I) Amounts for each fee that may be imposed under division (A)(25) of section 4723.08 of the Revised Code;

(J) Any other standards or procedures the Board considers necessary and appropriate for the administration and enforcement of sections 4723.81 to 4723.87 of the Revised Code.

[Effective September 26, 2003]

Section 4723.99 Penalties

(A) Except as provided in division (B) of this section, whoever violates section 4723.03, 4723.44 or 4723.73 of the Revised Code is guilty of a felony of the fifth degree on a first offense and a felony of the fourth degree on each subsequent offense.

(B) A registered nurse or licensed practical nurse who violates division (A) or (B) of section 4723.03 of the Revised Code by reason of a license to practice nursing that has lapsed for failure to renew or by practicing nursing after a license has been classified as inactive is guilty of a minor misdemeanor.

[Effective June 27, 2001]