

**As Introduced**

**133rd General Assembly  
Regular Session  
2019-2020**

**S. B. No. 61**

**Senator Burke  
Cosponsor: Senator Rulli**

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**A BILL**

To amend sections 4723.07, 4723.28, 4723.43, 1  
4723.44, 4723.50, and 4729.01, to amend the 2  
version of section 4729.01 that is scheduled to 3  
take effect March 22, 2020, and to enact section 4  
4723.484 of the Revised Code regarding the 5  
authority of certified registered nurse 6  
anesthetists to select, order, and administer 7  
certain drugs. 8

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

**Section 1.** That sections 4723.07, 4723.28, 4723.43, 9  
4723.44, 4723.50, and 4729.01 be amended and section 4723.484 of 10  
the Revised Code be enacted to read as follows: 11

**Sec. 4723.07.** In accordance with Chapter 119. of the 12  
Revised Code, the board of nursing shall adopt and may amend and 13  
rescind rules that establish all of the following: 14

(A) Provisions for the board's government and control of 15  
its actions and business affairs; 16

(B) Minimum standards for nursing education programs that 17  
prepare graduates to be licensed under this chapter and 18

procedures for granting, renewing, and withdrawing approval of	19
those programs;	20
(C) Criteria that applicants for licensure must meet to be	21
eligible to take examinations for licensure;	22
(D) Standards and procedures for renewal of the licenses	23
and certificates issued by the board;	24
(E) Standards for approval of continuing nursing education	25
programs and courses for registered nurses, advanced practice	26
registered nurses, and licensed practical nurses. The standards	27
may provide for approval of continuing nursing education	28
programs and courses that have been approved by other state	29
boards of nursing or by national accreditation systems for	30
nursing, including, but not limited to, the American nurses'	31
credentialing center and the national association for practical	32
nurse education and service.	33
(F) Standards that persons must meet to be authorized by	34
the board to approve continuing education programs and courses	35
and a schedule by which that authorization expires and may be	36
renewed;	37
(G) Requirements, including continuing education	38
requirements, for reactivating inactive licenses or	39
certificates, and for reinstating licenses or certificates that	40
have lapsed;	41
(H) Conditions that may be imposed for reinstatement of a	42
license or certificate following action taken under section	43
3123.47, 4723.28, 4723.281, 4723.652, or 4723.86 of the Revised	44
Code resulting in a license or certificate suspension;	45
(I) Requirements for board approval of courses in	46
medication administration by licensed practical nurses;	47

(J) Criteria for evaluating the qualifications of an 48  
applicant for a license to practice nursing as a registered 49  
nurse, a license to practice nursing as an advanced practice 50  
registered nurse, or a license to practice nursing as a licensed 51  
practical nurse for the purpose of issuing the license by the 52  
board's endorsement of the applicant's authority to practice 53  
issued by the licensing agency of another state; 54

(K) Universal and standard precautions that shall be used 55  
by each licensee or certificate holder. The rules shall define 56  
and establish requirements for universal and standard 57  
precautions that include the following: 58

(1) Appropriate use of hand washing; 59

(2) Disinfection and sterilization of equipment; 60

(3) Handling and disposal of needles and other sharp 61  
instruments; 62

(4) Wearing and disposal of gloves and other protective 63  
garments and devices. 64

(L) Quality assurance standards for advanced practice 65  
registered nurses; 66

(M) Additional criteria for the standard care arrangement 67  
required by section 4723.431 of the Revised Code entered into by 68  
a clinical nurse specialist, certified nurse-midwife, or 69  
certified nurse practitioner and the nurse's collaborating 70  
physician or podiatrist; 71

(N) For purposes of division (B) ~~(31)~~ (32) of section 72  
4723.28 of the Revised Code, the actions, omissions, or other 73  
circumstances that constitute failure to establish and maintain 74  
professional boundaries with a patient; 75

(O) Standards and procedures for delegation under section 76  
4723.48 of the Revised Code of the authority to administer 77  
drugs. 78

The board may adopt other rules necessary to carry out the 79  
provisions of this chapter. The rules shall be adopted in 80  
accordance with Chapter 119. of the Revised Code. 81

**Sec. 4723.28.** (A) The board of nursing, by a vote of a 82  
quorum, may impose one or more of the following sanctions if it 83  
finds that a person committed fraud in passing an examination 84  
required to obtain a license or dialysis technician certificate 85  
issued by the board or to have committed fraud, 86  
misrepresentation, or deception in applying for or securing any 87  
nursing license or dialysis technician certificate issued by the 88  
board: deny, revoke, suspend, or place restrictions on any 89  
nursing license or dialysis technician certificate issued by the 90  
board; reprimand or otherwise discipline a holder of a nursing 91  
license or dialysis technician certificate; or impose a fine of 92  
not more than five hundred dollars per violation. 93

(B) The board of nursing, by a vote of a quorum, may 94  
impose one or more of the following sanctions: deny, revoke, 95  
suspend, or place restrictions on any nursing license or 96  
dialysis technician certificate issued by the board; reprimand 97  
or otherwise discipline a holder of a nursing license or 98  
dialysis technician certificate; or impose a fine of not more 99  
than five hundred dollars per violation. The sanctions may be 100  
imposed for any of the following: 101

(1) Denial, revocation, suspension, or restriction of 102  
authority to engage in a licensed profession or practice a 103  
health care occupation, including nursing or practice as a 104  
dialysis technician, for any reason other than a failure to 105

renew, in Ohio or another state or jurisdiction; 106

(2) Engaging in the practice of nursing or engaging in 107  
practice as a dialysis technician, having failed to renew a 108  
nursing license or dialysis technician certificate issued under 109  
this chapter, or while a nursing license or dialysis technician 110  
certificate is under suspension; 111

(3) Conviction of, a plea of guilty to, a judicial finding 112  
of guilt of, a judicial finding of guilt resulting from a plea 113  
of no contest to, or a judicial finding of eligibility for a 114  
pretrial diversion or similar program or for intervention in 115  
lieu of conviction for, a misdemeanor committed in the course of 116  
practice; 117

(4) Conviction of, a plea of guilty to, a judicial finding 118  
of guilt of, a judicial finding of guilt resulting from a plea 119  
of no contest to, or a judicial finding of eligibility for a 120  
pretrial diversion or similar program or for intervention in 121  
lieu of conviction for, any felony or of any crime involving 122  
gross immorality or moral turpitude; 123

(5) Selling, giving away, or administering drugs or 124  
therapeutic devices for other than legal and legitimate 125  
therapeutic purposes; or conviction of, a plea of guilty to, a 126  
judicial finding of guilt of, a judicial finding of guilt 127  
resulting from a plea of no contest to, or a judicial finding of 128  
eligibility for a pretrial diversion or similar program or for 129  
intervention in lieu of conviction for, violating any municipal, 130  
state, county, or federal drug law; 131

(6) Conviction of, a plea of guilty to, a judicial finding 132  
of guilt of, a judicial finding of guilt resulting from a plea 133  
of no contest to, or a judicial finding of eligibility for a 134

pretrial diversion or similar program or for intervention in 135  
lieu of conviction for, an act in another jurisdiction that 136  
would constitute a felony or a crime of moral turpitude in Ohio; 137

(7) Conviction of, a plea of guilty to, a judicial finding 138  
of guilt of, a judicial finding of guilt resulting from a plea 139  
of no contest to, or a judicial finding of eligibility for a 140  
pretrial diversion or similar program or for intervention in 141  
lieu of conviction for, an act in the course of practice in 142  
another jurisdiction that would constitute a misdemeanor in 143  
Ohio; 144

(8) Self-administering or otherwise taking into the body 145  
any dangerous drug, as defined in section 4729.01 of the Revised 146  
Code, in any way that is not in accordance with a legal, valid 147  
prescription issued for that individual, or self-administering 148  
or otherwise taking into the body any drug that is a schedule I 149  
controlled substance; 150

(9) Habitual or excessive use of controlled substances, 151  
other habit-forming drugs, or alcohol or other chemical 152  
substances to an extent that impairs the individual's ability to 153  
provide safe nursing care or safe dialysis care; 154

(10) Impairment of the ability to practice according to 155  
acceptable and prevailing standards of safe nursing care or safe 156  
dialysis care because of the use of drugs, alcohol, or other 157  
chemical substances; 158

(11) Impairment of the ability to practice according to 159  
acceptable and prevailing standards of safe nursing care or safe 160  
dialysis care because of a physical or mental disability; 161

(12) Assaulting or causing harm to a patient or depriving 162  
a patient of the means to summon assistance; 163

(13) Misappropriation or attempted misappropriation of	164
money or anything of value in the course of practice;	165
(14) Adjudication by a probate court of being mentally ill	166
or mentally incompetent. The board may reinstate the person's	167
nursing license or dialysis technician certificate upon	168
adjudication by a probate court of the person's restoration to	169
competency or upon submission to the board of other proof of	170
competency.	171
(15) The suspension or termination of employment by the	172
United States department of defense or department of veterans	173
affairs for any act that violates or would violate this chapter;	174
(16) Violation of this chapter or any rules adopted under	175
it;	176
(17) Violation of any restrictions placed by the board on	177
a nursing license or dialysis technician certificate;	178
(18) Failure to use universal and standard precautions	179
established by rules adopted under section 4723.07 of the	180
Revised Code;	181
(19) Failure to practice in accordance with acceptable and	182
prevailing standards of safe nursing care or safe dialysis care;	183
(20) In the case of a registered nurse, engaging in	184
activities that exceed the practice of nursing as a registered	185
nurse;	186
(21) In the case of a licensed practical nurse, engaging	187
in activities that exceed the practice of nursing as a licensed	188
practical nurse;	189
(22) In the case of a dialysis technician, engaging in	190
activities that exceed those permitted under section 4723.72 of	191

the Revised Code; 192

(23) Aiding and abetting a person in that person's 193  
practice of nursing without a license or practice as a dialysis 194  
technician without a certificate issued under this chapter; 195

(24) In the case of an advanced practice registered nurse, 196  
except as provided in division (M) of this section, either of 197  
the following: 198

(a) Waiving the payment of all or any part of a deductible 199  
or copayment that a patient, pursuant to a health insurance or 200  
health care policy, contract, or plan that covers such nursing 201  
services, would otherwise be required to pay if the waiver is 202  
used as an enticement to a patient or group of patients to 203  
receive health care services from that provider; 204

(b) Advertising that the nurse will waive the payment of 205  
all or any part of a deductible or copayment that a patient, 206  
pursuant to a health insurance or health care policy, contract, 207  
or plan that covers such nursing services, would otherwise be 208  
required to pay. 209

(25) Failure to comply with the terms and conditions of 210  
participation in the substance use disorder monitoring program 211  
established under section 4723.35 of the Revised Code; 212

(26) Failure to comply with the terms and conditions 213  
required under the practice intervention and improvement program 214  
established under section 4723.282 of the Revised Code; 215

(27) In the case of an advanced practice registered nurse: 216

(a) Engaging in activities that exceed those permitted for 217  
the nurse's nursing specialty under section 4723.43 of the 218  
Revised Code; 219



(b) Failure to meet the quality assurance standards	220
established under section 4723.07 of the Revised Code.	221
(28) In the case of an advanced practice registered nurse	222
other than a certified registered nurse anesthetist, failure to	223
maintain a standard care arrangement in accordance with section	224
4723.431 of the Revised Code or to practice in accordance with	225
the standard care arrangement;	226
(29) In the case of an advanced practice registered nurse	227
who is designated as a clinical nurse specialist, certified	228
nurse-midwife, or certified nurse practitioner, failure to	229
prescribe drugs and therapeutic devices in accordance with	230
section 4723.481 of the Revised Code;	231
(30) <u>In the case of an advanced practice registered nurse</u>	232
<u>who is designated as a certified registered nurse anesthetist,</u>	233
<u>failure to select, order, or administer drugs other than</u>	234
<u>anesthesia in accordance with section 4723.484 of the Revised</u>	235
<u>Code;</u>	236
<u>(31)</u> Prescribing any drug or device to perform or induce	237
an abortion, or otherwise performing or inducing an abortion;	238
<del>(31)</del> <u>(32)</u> Failure to establish and maintain professional	239
boundaries with a patient, as specified in rules adopted under	240
section 4723.07 of the Revised Code;	241
<del>(32)</del> <u>(33)</u> Regardless of whether the contact or verbal	242
behavior is consensual, engaging with a patient other than the	243
spouse of the registered nurse, licensed practical nurse, or	244
dialysis technician in any of the following:	245
(a) Sexual contact, as defined in section 2907.01 of the	246
Revised Code;	247

(b) Verbal behavior that is sexually demeaning to the 248  
patient or may be reasonably interpreted by the patient as 249  
sexually demeaning. 250

~~(33)~~ (34) Assisting suicide, as defined in section 3795.01 251  
of the Revised Code; 252

~~(34)~~ (35) Failure to comply with the requirements in 253  
section 3719.061 of the Revised Code before issuing for a minor 254  
a prescription for an opioid analgesic, as defined in section 255  
3719.01 of the Revised Code; 256

~~(35)~~ (36) Failure to comply with section 4723.487 of the 257  
Revised Code, unless the state board of pharmacy no longer 258  
maintains a drug database pursuant to section 4729.75 of the 259  
Revised Code; 260

~~(36)~~ (37) The revocation, suspension, restriction, 261  
reduction, or termination of clinical privileges by the United 262  
States department of defense or department of veterans affairs 263  
or the termination or suspension of a certificate of 264  
registration to prescribe drugs by the drug enforcement 265  
administration of the United States department of justice. 266

(C) Disciplinary actions taken by the board under 267  
divisions (A) and (B) of this section shall be taken pursuant to 268  
an adjudication conducted under Chapter 119. of the Revised 269  
Code, except that in lieu of a hearing, the board may enter into 270  
a consent agreement with an individual to resolve an allegation 271  
of a violation of this chapter or any rule adopted under it. A 272  
consent agreement, when ratified by a vote of a quorum, shall 273  
constitute the findings and order of the board with respect to 274  
the matter addressed in the agreement. If the board refuses to 275  
ratify a consent agreement, the admissions and findings 276

contained in the agreement shall be of no effect. 277

(D) The hearings of the board shall be conducted in 278  
accordance with Chapter 119. of the Revised Code, the board may 279  
appoint a hearing examiner, as provided in section 119.09 of the 280  
Revised Code, to conduct any hearing the board is authorized to 281  
hold under Chapter 119. of the Revised Code. 282

In any instance in which the board is required under 283  
Chapter 119. of the Revised Code to give notice of an 284  
opportunity for a hearing and the applicant, licensee, or 285  
certificate holder does not make a timely request for a hearing 286  
in accordance with section 119.07 of the Revised Code, the board 287  
is not required to hold a hearing, but may adopt, by a vote of a 288  
quorum, a final order that contains the board's findings. In the 289  
final order, the board may order any of the sanctions listed in 290  
division (A) or (B) of this section. 291

(E) If a criminal action is brought against a registered 292  
nurse, licensed practical nurse, or dialysis technician for an 293  
act or crime described in divisions (B)(3) to (7) of this 294  
section and the action is dismissed by the trial court other 295  
than on the merits, the board shall conduct an adjudication to 296  
determine whether the registered nurse, licensed practical 297  
nurse, or dialysis technician committed the act on which the 298  
action was based. If the board determines on the basis of the 299  
adjudication that the registered nurse, licensed practical 300  
nurse, or dialysis technician committed the act, or if the 301  
registered nurse, licensed practical nurse, or dialysis 302  
technician fails to participate in the adjudication, the board 303  
may take action as though the registered nurse, licensed 304  
practical nurse, or dialysis technician had been convicted of 305  
the act. 306

If the board takes action on the basis of a conviction, 307  
plea, or a judicial finding as described in divisions (B) (3) to 308  
(7) of this section that is overturned on appeal, the registered 309  
nurse, licensed practical nurse, or dialysis technician may, on 310  
exhaustion of the appeal process, petition the board for 311  
reconsideration of its action. On receipt of the petition and 312  
supporting court documents, the board shall temporarily rescind 313  
its action. If the board determines that the decision on appeal 314  
was a decision on the merits, it shall permanently rescind its 315  
action. If the board determines that the decision on appeal was 316  
not a decision on the merits, it shall conduct an adjudication 317  
to determine whether the registered nurse, licensed practical 318  
nurse, or dialysis technician committed the act on which the 319  
original conviction, plea, or judicial finding was based. If the 320  
board determines on the basis of the adjudication that the 321  
registered nurse, licensed practical nurse, or dialysis 322  
technician committed such act, or if the registered nurse, 323  
licensed practical nurse, or dialysis technician does not 324  
request an adjudication, the board shall reinstate its action; 325  
otherwise, the board shall permanently rescind its action. 326

Notwithstanding the provision of division (C) (2) of 327  
section 2953.32 of the Revised Code specifying that if records 328  
pertaining to a criminal case are sealed under that section the 329  
proceedings in the case shall be deemed not to have occurred, 330  
sealing of the following records on which the board has based an 331  
action under this section shall have no effect on the board's 332  
action or any sanction imposed by the board under this section: 333  
records of any conviction, guilty plea, judicial finding of 334  
guilt resulting from a plea of no contest, or a judicial finding 335  
of eligibility for a pretrial diversion program or intervention 336  
in lieu of conviction. 337

The board shall not be required to seal, destroy, redact, 338  
or otherwise modify its records to reflect the court's sealing 339  
of conviction records. 340

(F) The board may investigate an individual's criminal 341  
background in performing its duties under this section. As part 342  
of such investigation, the board may order the individual to 343  
submit, at the individual's expense, a request to the bureau of 344  
criminal identification and investigation for a criminal records 345  
check and check of federal bureau of investigation records in 346  
accordance with the procedure described in section 4723.091 of 347  
the Revised Code. 348

(G) During the course of an investigation conducted under 349  
this section, the board may compel any registered nurse, 350  
licensed practical nurse, or dialysis technician or applicant 351  
under this chapter to submit to a mental or physical 352  
examination, or both, as required by the board and at the 353  
expense of the individual, if the board finds reason to believe 354  
that the individual under investigation may have a physical or 355  
mental impairment that may affect the individual's ability to 356  
provide safe nursing care. Failure of any individual to submit 357  
to a mental or physical examination when directed constitutes an 358  
admission of the allegations, unless the failure is due to 359  
circumstances beyond the individual's control, and a default and 360  
final order may be entered without the taking of testimony or 361  
presentation of evidence. 362

If the board finds that an individual is impaired, the 363  
board shall require the individual to submit to care, 364  
counseling, or treatment approved or designated by the board, as 365  
a condition for initial, continued, reinstated, or renewed 366  
authority to practice. The individual shall be afforded an 367

opportunity to demonstrate to the board that the individual can 368  
begin or resume the individual's occupation in compliance with 369  
acceptable and prevailing standards of care under the provisions 370  
of the individual's authority to practice. 371

For purposes of this division, any registered nurse, 372  
licensed practical nurse, or dialysis technician or applicant 373  
under this chapter shall be deemed to have given consent to 374  
submit to a mental or physical examination when directed to do 375  
so in writing by the board, and to have waived all objections to 376  
the admissibility of testimony or examination reports that 377  
constitute a privileged communication. 378

(H) The board shall investigate evidence that appears to 379  
show that any person has violated any provision of this chapter 380  
or any rule of the board. Any person may report to the board any 381  
information the person may have that appears to show a violation 382  
of any provision of this chapter or rule of the board. In the 383  
absence of bad faith, any person who reports such information or 384  
who testifies before the board in any adjudication conducted 385  
under Chapter 119. of the Revised Code shall not be liable for 386  
civil damages as a result of the report or testimony. 387

(I) All of the following apply under this chapter with 388  
respect to the confidentiality of information: 389

(1) Information received by the board pursuant to a 390  
complaint or an investigation is confidential and not subject to 391  
discovery in any civil action, except that the board may 392  
disclose information to law enforcement officers and government 393  
entities for purposes of an investigation of either a licensed 394  
health care professional, including a registered nurse, licensed 395  
practical nurse, or dialysis technician, or a person who may 396  
have engaged in the unauthorized practice of nursing or dialysis 397

care. No law enforcement officer or government entity with 398  
knowledge of any information disclosed by the board pursuant to 399  
this division shall divulge the information to any other person 400  
or government entity except for the purpose of a government 401  
investigation, a prosecution, or an adjudication by a court or 402  
government entity. 403

(2) If an investigation requires a review of patient 404  
records, the investigation and proceeding shall be conducted in 405  
such a manner as to protect patient confidentiality. 406

(3) All adjudications and investigations of the board 407  
shall be considered civil actions for the purposes of section 408  
2305.252 of the Revised Code. 409

(4) Any board activity that involves continued monitoring 410  
of an individual as part of or following any disciplinary action 411  
taken under this section shall be conducted in a manner that 412  
maintains the individual's confidentiality. Information received 413  
or maintained by the board with respect to the board's 414  
monitoring activities is not subject to discovery in any civil 415  
action and is confidential, except that the board may disclose 416  
information to law enforcement officers and government entities 417  
for purposes of an investigation of a licensee or certificate 418  
holder. 419

(J) Any action taken by the board under this section 420  
resulting in a suspension from practice shall be accompanied by 421  
a written statement of the conditions under which the person may 422  
be reinstated to practice. 423

(K) When the board refuses to grant a license or 424  
certificate to an applicant, revokes a license or certificate, 425  
or refuses to reinstate a license or certificate, the board may 426

specify that its action is permanent. An individual subject to 427  
permanent action taken by the board is forever ineligible to 428  
hold a license or certificate of the type that was refused or 429  
revoked and the board shall not accept from the individual an 430  
application for reinstatement of the license or certificate or 431  
for a new license or certificate. 432

(L) No unilateral surrender of a nursing license, 433  
certificate of authority, or dialysis technician certificate 434  
issued under this chapter shall be effective unless accepted by 435  
majority vote of the board. No application for a nursing 436  
license, certificate of authority, or dialysis technician 437  
certificate issued under this chapter may be withdrawn without a 438  
majority vote of the board. The board's jurisdiction to take 439  
disciplinary action under this section is not removed or limited 440  
when an individual has a license or certificate classified as 441  
inactive or fails to renew a license or certificate. 442

(M) Sanctions shall not be imposed under division (B) (24) 443  
of this section against any licensee who waives deductibles and 444  
copayments as follows: 445

(1) In compliance with the health benefit plan that 446  
expressly allows such a practice. Waiver of the deductibles or 447  
copayments shall be made only with the full knowledge and 448  
consent of the plan purchaser, payer, and third-party 449  
administrator. Documentation of the consent shall be made 450  
available to the board upon request. 451

(2) For professional services rendered to any other person 452  
licensed pursuant to this chapter to the extent allowed by this 453  
chapter and the rules of the board. 454

**Sec. 4723.43.** A certified registered nurse anesthetist, 455



clinical nurse specialist, certified nurse-midwife, or certified 456  
nurse practitioner may provide to individuals and groups nursing 457  
care that requires knowledge and skill obtained from advanced 458  
formal education and clinical experience. In this capacity as an 459  
advanced practice registered nurse, a certified nurse-midwife is 460  
subject to division (A) of this section, a certified registered 461  
nurse anesthetist is subject to division (B) of this section, a 462  
certified nurse practitioner is subject to division (C) of this 463  
section, and a clinical nurse specialist is subject to division 464  
(D) of this section. 465

(A) A nurse authorized to practice as a certified nurse- 466  
midwife, in collaboration with one or more physicians, may 467  
provide the management of preventive services and those primary 468  
care services necessary to provide health care to women 469  
antepartally, intrapartally, postpartally, and gynecologically, 470  
consistent with the nurse's education and certification, and in 471  
accordance with rules adopted by the board of nursing. 472

No certified nurse-midwife may perform version, deliver 473  
breech or face presentation, use forceps, do any obstetric 474  
operation, or treat any other abnormal condition, except in 475  
emergencies. Division (A) of this section does not prohibit a 476  
certified nurse-midwife from performing episiotomies or normal 477  
vaginal deliveries, or repairing vaginal tears. A certified 478  
nurse-midwife may, in collaboration with one or more physicians, 479  
prescribe drugs and therapeutic devices in accordance with 480  
section 4723.481 of the Revised Code. 481

(B) A nurse authorized to practice as a certified 482  
registered nurse anesthetist, with the supervision and in the 483  
immediate presence of a physician, podiatrist, or dentist, may 484  
administer anesthesia and perform anesthesia induction, 485

maintenance, and emergence, and may perform with supervision 486  
preanesthetic preparation and evaluation, postanesthesia care, 487  
and clinical support functions, consistent with the nurse's 488  
education and certification, and in accordance with rules 489  
adopted by the board. 490

A certified registered nurse anesthetist who meets the 491  
conditions of section 4723.484 of the Revised Code also may do 492  
both of the following: 493

(1) Select, order, and administer drugs other than 494  
anesthesia in accordance with section 4723.484 of the Revised 495  
Code; 496

(2) Direct another person to administer a drug other than 497  
anesthesia that the nurse has selected and ordered in accordance 498  
with section 4723.484 of the Revised Code, but only if the nurse 499  
is in the operating room when directing the person to administer 500  
the drug and the person being directed is authorized by law to 501  
administer drugs. 502

The physician, podiatrist, or dentist supervising a 503  
certified registered nurse anesthetist must be actively engaged 504  
in practice in this state. When a certified registered nurse 505  
anesthetist is supervised by a podiatrist, the nurse's scope of 506  
practice is limited to the anesthesia procedures that the 507  
podiatrist has the authority under section 4731.51 of the 508  
Revised Code to perform. A certified registered nurse 509  
anesthetist may not administer general anesthesia under the 510  
supervision of a podiatrist in a podiatrist's office. When a 511  
certified registered nurse anesthetist is supervised by a 512  
dentist, the nurse's scope of practice is limited to the 513  
anesthesia procedures that the dentist has the authority under 514  
Chapter 4715. of the Revised Code to perform. 515

(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, provide services for acute illnesses, 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 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 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.

**Sec. 4723.44.** (A) No person shall knowingly do any of the following unless the person holds a current, valid license

issued by the board of nursing under this chapter to practice 546  
nursing as an advanced practice registered nurse in the 547  
specialty indicated by the designation: 548

(1) Engage in the practice of nursing as an advanced 549  
practice registered nurse for a fee, salary, or other 550  
consideration, or as a volunteer; 551

(2) Represent the person as being an advanced practice 552  
registered nurse, including representing the person as being a 553  
certified registered nurse anesthetist, clinical nurse 554  
specialist, certified nurse-midwife, or certified nurse 555  
practitioner; 556

(3) Use any title or initials implying that the person is 557  
an advanced practice registered nurse, including using any title 558  
or initials implying the person is a certified registered nurse 559  
anesthetist, clinical nurse specialist, certified nurse-midwife, 560  
or certified nurse practitioner. 561

(B) No advanced practice registered nurse shall knowingly 562  
do any of the following: 563

(1) Engage, for a fee, salary, or other consideration, or 564  
as a volunteer, in the practice of a nursing specialty other 565  
than the specialty designated on the nurse's current, valid 566  
license issued by the board under this chapter to practice 567  
nursing as an advanced practice registered nurse; 568

(2) Represent the person as being authorized to practice 569  
any nursing specialty other than the specialty designated on the 570  
current, valid license to practice nursing as an advanced 571  
practice registered nurse; 572

(3) Use the title "certified registered nurse anesthetist" 573  
or the initials "N.A." or "C.R.N.A.," the title "clinical nurse 574

specialist" or the initials "C.N.S.," the title "certified 575  
nurse-midwife" or the initials "C.N.M.," the title "certified 576  
nurse practitioner" or the initials "C.N.P.," the title 577  
"advanced practice registered nurse" or the initials "A.P.R.N.," 578  
or any other title or initials implying that the nurse is 579  
authorized to practice any nursing specialty other than the 580  
specialty designated on the nurse's current, valid license to 581  
practice nursing as an advanced practice registered nurse; 582

(4) Except as provided in division (A) (2) (c) of section 583  
4723.431 of the Revised Code, enter into a standard care 584  
arrangement with a physician or podiatrist who is practicing in 585  
a specialty that is not the same as or similar to the nurse's 586  
nursing specialty; 587

(5) Prescribe drugs or therapeutic devices in a manner 588  
that does not comply with section 4723.481 of the Revised Code; 589

(6) In the case of a certified registered nurse 590  
anesthetist, select, order, or administer drugs other than 591  
anesthesia in a manner that does not comply with section 592  
4723.484 of the Revised Code; 593

(7) Prescribe any drug or device to perform or induce an 594  
abortion, or otherwise perform or induce an abortion. 595

(C) No person shall knowingly employ a person to engage in 596  
the practice of nursing as an advanced practice registered nurse 597  
unless the person so employed holds a current, valid license and 598  
designation issued by the board under this chapter to practice 599  
as an advanced practice registered nurse in the specialty 600  
indicated by the designation. 601

(D) A document certified by the executive director of the 602  
board, under the official seal of the board, to the effect that 603

it appears from the records of the board that no license to  
practice nursing as an advanced practice registered nurse has  
been issued to the person specified in the document, or that a  
license to practice nursing as an advanced practice registered  
nurse, if issued, has been revoked or suspended, shall be  
received as prima-facie evidence of the record of the board in  
any court or before any officer of the state.

Sec. 4723.484. (A) Except as provided in division (C) of  
this section, a certified registered nurse anesthetist may  
select, order, and administer drugs other than anesthesia under  
division (B) of section 4723.43 of the Revised Code if all of  
the following conditions are met:

(1) The nurse selects, orders, and administers each drug  
at a facility that is one of the following:

(a) A hospital registered under section 3701.07 of the  
Revised Code;

(b) An entity owned or controlled, in whole or in part, by  
a hospital or by an entity that owns or controls, in whole or in  
part, one or more hospitals;

(c) An ambulatory surgical facility, as defined in section  
3702.30 of the Revised Code.

(2) The medical staff of the facility described in  
division (A)(1) of this section has granted the nurse  
appropriate credentials or clinical privileges, as evidenced by  
written documents, authorizing the nurse to select, order, and  
administer drugs.

(3) The nurse selects, orders, and administers each drug  
in the immediate post-operative period, which does not include  
the period of time in which a patient is in the process of being

moved or has moved from a post-anesthesia care unit to another 633  
part of the facility. 634

(4) The nurse selects, orders, and administers each drug 635  
in accordance with a protocol that meets the requirements of 636  
division (B) of this section. 637

(B)(1) The protocol required by division (A)(4) of this 638  
section shall be established only by all of the following: 639

(a) The facility's medical director; 640

(b) The facility's nursing director; 641

(c) The facility's pharmacy director or, if the facility 642  
does not have a pharmacy director, an individual designated by 643  
the facility as its consulting pharmacist. 644

(2) Each protocol shall do all of the following: 645

(a) Specify the one or more drugs other than anesthesia 646  
that the nurse may select, order, and administer to treat 647  
nausea, pain, or respiratory conditions related to the 648  
administration of anesthesia; 649

(b) Prohibit the nurse from selecting and ordering a 650  
controlled substance; 651

(c) Specify procedures to be followed by the nurse when 652  
selecting, ordering, and administering a drug under the 653  
protocol. 654

(3) In establishing a protocol, the medical director, 655  
nursing director, and pharmacy director or consulting pharmacist 656  
shall not authorize a certified registered nurse anesthetist to 657  
select, order, or administer any drug that a supervising 658  
physician, podiatrist, or dentist is not authorized to 659

prescribe. 660

(C) A certified registered nurse anesthetist shall not 661  
select, order, and administer drugs other than anesthesia 662  
pursuant to a protocol established under this section if a 663  
physician, podiatrist, or dentist who supervises the nurse has 664  
determined that it is not in the best interest of the 665  
physician's, podiatrist's, or dentist's patient for the nurse to 666  
do so. When a physician, podiatrist, or dentist makes this 667  
determination, the physician, podiatrist, or dentist shall 668  
indicate in the patient's medical record that the nurse is 669  
prohibited from selecting, ordering, and administering drugs for 670  
the patient pursuant to the protocol. 671

(D) The board of nursing may adopt rules as necessary to 672  
implement this section. The rules shall be adopted in accordance 673  
with Chapter 119. of the Revised Code. 674

**Sec. 4723.50.** (A) As used in this section: 675

(1) "Controlled substance" has the same meaning as in 676  
section 3719.01 of the Revised Code. 677

(2) "Medication-assisted treatment" has the same meaning 678  
as in section 340.01 of the Revised Code. 679

(B) In accordance with Chapter 119. of the Revised Code, 680  
the board of nursing shall adopt rules as necessary to implement 681  
the provisions of this chapter pertaining to the authority of 682  
advanced practice registered nurses who are designated as 683  
clinical nurse specialists, certified nurse-midwives, and 684  
certified nurse practitioners to prescribe and furnish drugs and 685  
therapeutic devices. 686

The board shall adopt rules that are consistent with a 687  
recommended exclusionary formulary the board receives from the 688



committee on prescriptive governance pursuant to section 689  
4723.492 of the Revised Code. After reviewing a formulary 690  
submitted by the committee, the board may either adopt the 691  
formulary as a rule or ask the committee to reconsider and 692  
resubmit the formulary. The board shall not adopt any rule that 693  
does not conform to a formulary developed by the committee. 694

The exclusionary formulary shall permit, in a manner 695  
consistent with section 4723.481 of the Revised Code, the 696  
prescribing of controlled substances, including drugs that 697  
contain buprenorphine used in medication-assisted treatment and 698  
both oral and long-acting opioid antagonists. The formulary 699  
shall not permit the prescribing or furnishing of any of the 700  
following: 701

(1) A drug or device to perform or induce an abortion; 702

(2) A drug or device prohibited by federal or state law. 703

(C) In addition to the rules described in division (B) of 704  
this section, the board shall adopt rules under this section 705  
that do the following: 706

(1) Establish standards for board approval of the course 707  
of study in advanced pharmacology and related topics required by 708  
section 4723.482 of the Revised Code; 709

(2) Establish requirements for board approval of the two- 710  
hour course of instruction in the laws of this state as required 711  
under division (C) (1) of section 4723.482 of the Revised Code 712  
~~and division (B) (2) of section 4723.484 of the Revised Code;~~ 713

(3) Establish criteria for the components of the standard 714  
care arrangements described in section 4723.431 of the Revised 715  
Code that apply to the authority to prescribe, including the 716  
components that apply to the authority to prescribe schedule II 717

controlled substances. The rules shall be consistent with that 718  
section and include all of the following: 719

(a) Quality assurance standards; 720

(b) Standards for periodic review by a collaborating 721  
physician or podiatrist of the records of patients treated by 722  
the clinical nurse specialist, certified nurse-midwife, or 723  
certified nurse practitioner; 724

(c) Acceptable travel time between the location at which 725  
the clinical nurse specialist, certified nurse-midwife, or 726  
certified nurse practitioner is engaging in the prescribing 727  
components of the nurse's practice and the location of the 728  
nurse's collaborating physician or podiatrist; 729

(d) Any other criteria recommended by the committee on 730  
prescriptive governance. 731

(D) This section does not affect the authority of a 732  
certified registered nurse anesthetist under section 4723.43 of 733  
the Revised Code. 734

**Sec. 4729.01.** As used in this chapter: 735

(A) "Pharmacy," except when used in a context that refers 736  
to the practice of pharmacy, means any area, room, rooms, place 737  
of business, department, or portion of any of the foregoing 738  
where the practice of pharmacy is conducted. 739

(B) "Practice of pharmacy" means providing pharmacist care 740  
requiring specialized knowledge, judgment, and skill derived 741  
from the principles of biological, chemical, behavioral, social, 742  
pharmaceutical, and clinical sciences. As used in this division, 743  
"pharmacist care" includes the following: 744

(1) Interpreting prescriptions; 745

(2) Dispensing drugs and drug therapy related devices;	746
(3) Compounding drugs;	747
(4) Counseling individuals with regard to their drug	748
therapy, recommending drug therapy related devices, and	749
assisting in the selection of drugs and appliances for treatment	750
of common diseases and injuries and providing instruction in the	751
proper use of the drugs and appliances;	752
(5) Performing drug regimen reviews with individuals by	753
discussing all of the drugs that the individual is taking and	754
explaining the interactions of the drugs;	755
(6) Performing drug utilization reviews with licensed	756
health professionals authorized to prescribe drugs when the	757
pharmacist determines that an individual with a prescription has	758
a drug regimen that warrants additional discussion with the	759
prescriber;	760
(7) Advising an individual and the health care	761
professionals treating an individual with regard to the	762
individual's drug therapy;	763
(8) Acting pursuant to a consult agreement with one or	764
more physicians authorized under Chapter 4731. of the Revised	765
Code to practice medicine and surgery or osteopathic medicine	766
and surgery, if an agreement has been established;	767
(9) Engaging in the administration of immunizations to the	768
extent authorized by section 4729.41 of the Revised Code;	769
(10) Engaging in the administration of drugs to the extent	770
authorized by section 4729.45 of the Revised Code.	771
(C) "Compounding" means the preparation, mixing,	772
assembling, packaging, and labeling of one or more drugs in any	773

of the following circumstances: 774

(1) Pursuant to a prescription issued by a licensed health 775  
professional authorized to prescribe drugs; 776

(2) Pursuant to the modification of a prescription made in 777  
accordance with a consult agreement; 778

(3) As an incident to research, teaching activities, or 779  
chemical analysis; 780

(4) In anticipation of orders for drugs pursuant to 781  
prescriptions, based on routine, regularly observed dispensing 782  
patterns; 783

(5) Pursuant to a request made by a licensed health 784  
professional authorized to prescribe drugs for a drug that is to 785  
be used by the professional for the purpose of direct 786  
administration to patients in the course of the professional's 787  
practice, if all of the following apply: 788

(a) At the time the request is made, the drug is not 789  
commercially available regardless of the reason that the drug is 790  
not available, including the absence of a manufacturer for the 791  
drug or the lack of a readily available supply of the drug from 792  
a manufacturer. 793

(b) A limited quantity of the drug is compounded and 794  
provided to the professional. 795

(c) The drug is compounded and provided to the 796  
professional as an occasional exception to the normal practice 797  
of dispensing drugs pursuant to patient-specific prescriptions. 798

(D) "Consult agreement" means an agreement that has been 799  
entered into under section 4729.39 of the Revised Code. 800

(E) "Drug" means: 801

(1) Any article recognized in the United States 802  
pharmacopoeia and national formulary, or any supplement to them, 803  
intended for use in the diagnosis, cure, mitigation, treatment, 804  
or prevention of disease in humans or animals; 805

(2) Any other article intended for use in the diagnosis, 806  
cure, mitigation, treatment, or prevention of disease in humans 807  
or animals; 808

(3) Any article, other than food, intended to affect the 809  
structure or any function of the body of humans or animals; 810

(4) Any article intended for use as a component of any 811  
article specified in division (E) (1), (2), or (3) of this 812  
section; but does not include devices or their components, 813  
parts, or accessories. 814

(F) "Dangerous drug" means any of the following: 815

(1) Any drug to which either of the following applies: 816

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 817  
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 818  
required to bear a label containing the legend "Caution: Federal 819  
law prohibits dispensing without prescription" or "Caution: 820  
Federal law restricts this drug to use by or on the order of a 821  
licensed veterinarian" or any similar restrictive statement, or 822  
the drug may be dispensed only upon a prescription; 823

(b) Under Chapter 3715. or 3719. of the Revised Code, the 824  
drug may be dispensed only upon a prescription. 825

(2) Any drug that contains a schedule V controlled 826  
substance and that is exempt from Chapter 3719. of the Revised 827  
Code or to which that chapter does not apply; 828

(3) Any drug intended for administration by injection into 829  
the human body other than through a natural orifice of the human 830  
body; 831

(4) Any drug that is a biological product, as defined in 832  
section 3715.01 of the Revised Code. 833

(G) "Federal drug abuse control laws" has the same meaning 834  
as in section 3719.01 of the Revised Code. 835

(H) "Prescription" means all of the following: 836

(1) A written, electronic, or oral order for drugs or 837  
combinations or mixtures of drugs to be used by a particular 838  
individual or for treating a particular animal, issued by a 839  
licensed health professional authorized to prescribe drugs; 840

(2) For purposes of sections 2925.61, 4723.488, 4730.431, 841  
and 4731.94 of the Revised Code, a written, electronic, or oral 842  
order for naloxone issued to and in the name of a family member, 843  
friend, or other individual in a position to assist an 844  
individual who there is reason to believe is at risk of 845  
experiencing an opioid-related overdose. 846

(3) For purposes of section 4729.44 of the Revised Code, a 847  
written, electronic, or oral order for naloxone issued to and in 848  
the name of either of the following: 849

(a) An individual who there is reason to believe is at 850  
risk of experiencing an opioid-related overdose; 851

(b) A family member, friend, or other individual in a 852  
position to assist an individual who there is reason to believe 853  
is at risk of experiencing an opioid-related overdose. 854

(4) For purposes of sections 4723.4810, 4729.282, 855  
4730.432, and 4731.93 of the Revised Code, a written, 856

electronic, or oral order for a drug to treat chlamydia, 857  
gonorrhea, or trichomoniasis issued to and in the name of a 858  
patient who is not the intended user of the drug but is the 859  
sexual partner of the intended user; 860

(5) For purposes of sections 3313.7110, 3313.7111, 861  
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 862  
4731.96, and 5101.76 of the Revised Code, a written, electronic, 863  
or oral order for an epinephrine autoinjector issued to and in 864  
the name of a school, school district, or camp; 865

(6) For purposes of Chapter 3728. and sections 4723.483, 866  
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 867  
electronic, or oral order for an epinephrine autoinjector issued 868  
to and in the name of a qualified entity, as defined in section 869  
3728.01 of the Revised Code. 870

(I) "Licensed health professional authorized to prescribe 871  
drugs" or "prescriber" means an individual who is authorized by 872  
law to prescribe drugs or dangerous drugs or drug therapy 873  
related devices in the course of the individual's professional 874  
practice, including only the following: 875

(1) A dentist licensed under Chapter 4715. of the Revised 876  
Code; 877

(2) A clinical nurse specialist, certified nurse-midwife, 878  
or certified nurse practitioner who holds a current, valid 879  
license to practice nursing as an advanced practice registered 880  
nurse issued under Chapter 4723. of the Revised Code; 881

(3) A certified registered nurse anesthetist who holds a 882  
current, valid license to practice nursing as an advanced 883  
practice registered nurse issued under Chapter 4723. of the 884  
Revised Code, but only to the extent of the nurse's authority 885

under section 4723.484 of the Revised Code to select and order 886  
drugs other than anesthesia; 887

(4) An optometrist licensed under Chapter 4725. of the 888  
Revised Code to practice optometry under a therapeutic 889  
pharmaceutical agents certificate; 890

~~(4)~~ (5) A physician authorized under Chapter 4731. of the 891  
Revised Code to practice medicine and surgery, osteopathic 892  
medicine and surgery, or podiatric medicine and surgery; 893

~~(5)~~ (6) A physician assistant who holds a license to 894  
practice as a physician assistant issued under Chapter 4730. of 895  
the Revised Code, holds a valid prescriber number issued by the 896  
state medical board, and has been granted physician-delegated 897  
prescriptive authority; 898

~~(6)~~ (7) A veterinarian licensed under Chapter 4741. of the 899  
Revised Code. 900

(J) "Sale" or "sell" includes any transaction made by any 901  
person, whether as principal proprietor, agent, or employee, to 902  
do or offer to do any of the following: deliver, distribute, 903  
broker, exchange, gift or otherwise give away, or transfer, 904  
whether the transfer is by passage of title, physical movement, 905  
or both. 906

(K) "Wholesale sale" and "sale at wholesale" mean any sale 907  
in which the purpose of the purchaser is to resell the article 908  
purchased or received by the purchaser. 909

(L) "Retail sale" and "sale at retail" mean any sale other 910  
than a wholesale sale or sale at wholesale. 911

(M) "Retail seller" means any person that sells any 912  
dangerous drug to consumers without assuming control over and 913



responsibility for its administration. Mere advice or 914  
instructions regarding administration do not constitute control 915  
or establish responsibility. 916

(N) "Price information" means the price charged for a 917  
prescription for a particular drug product and, in an easily 918  
understandable manner, all of the following: 919

(1) The proprietary name of the drug product; 920

(2) The established (generic) name of the drug product; 921

(3) The strength of the drug product if the product 922  
contains a single active ingredient or if the drug product 923  
contains more than one active ingredient and a relevant strength 924  
can be associated with the product without indicating each 925  
active ingredient. The established name and quantity of each 926  
active ingredient are required if such a relevant strength 927  
cannot be so associated with a drug product containing more than 928  
one ingredient. 929

(4) The dosage form; 930

(5) The price charged for a specific quantity of the drug 931  
product. The stated price shall include all charges to the 932  
consumer, including, but not limited to, the cost of the drug 933  
product, professional fees, handling fees, if any, and a 934  
statement identifying professional services routinely furnished 935  
by the pharmacy. Any mailing fees and delivery fees may be 936  
stated separately without repetition. The information shall not 937  
be false or misleading. 938

(O) "Wholesale distributor of dangerous drugs" or 939  
"wholesale distributor" means a person engaged in the sale of 940  
dangerous drugs at wholesale and includes any agent or employee 941  
of such a person authorized by the person to engage in the sale 942

of dangerous drugs at wholesale. 943

(P) "Manufacturer of dangerous drugs" or "manufacturer" 944  
means a person, other than a pharmacist or prescriber, who 945  
manufactures dangerous drugs and who is engaged in the sale of 946  
those dangerous drugs. 947

(Q) "Terminal distributor of dangerous drugs" or "terminal 948  
distributor" means a person who is engaged in the sale of 949  
dangerous drugs at retail, or any person, other than a 950  
manufacturer, repackager, outsourcing facility, third-party 951  
logistics provider, wholesale distributor, or pharmacist, who 952  
has possession, custody, or control of dangerous drugs for any 953  
purpose other than for that person's own use and consumption. 954  
"Terminal distributor" includes pharmacies, hospitals, nursing 955  
homes, and laboratories and all other persons who procure 956  
dangerous drugs for sale or other distribution by or under the 957  
supervision of a pharmacist or licensed health professional 958  
authorized to prescribe drugs. 959

(R) "Promote to the public" means disseminating a 960  
representation to the public in any manner or by any means, 961  
other than by labeling, for the purpose of inducing, or that is 962  
likely to induce, directly or indirectly, the purchase of a 963  
dangerous drug at retail. 964

(S) "Person" includes any individual, partnership, 965  
association, limited liability company, or corporation, the 966  
state, any political subdivision of the state, and any district, 967  
department, or agency of the state or its political 968  
subdivisions. 969

(T) "Animal shelter" means a facility operated by a humane 970  
society or any society organized under Chapter 1717. of the 971

Revised Code or a dog pound operated pursuant to Chapter 955. of 972  
the Revised Code. 973

(U) "Food" has the same meaning as in section 3715.01 of 974  
the Revised Code. 975

(V) "Pain management clinic" has the same meaning as in 976  
section 4731.054 of the Revised Code. 977

(W) "Investigational drug or product" means a drug or 978  
product that has successfully completed phase one of the United 979  
States food and drug administration clinical trials and remains 980  
under clinical trial, but has not been approved for general use 981  
by the United States food and drug administration. 982  
"Investigational drug or product" does not include controlled 983  
substances in schedule I, as established pursuant to section 984  
3719.41 of the Revised Code, and as amended. 985

(X) "Product," when used in reference to an 986  
investigational drug or product, means a biological product, 987  
other than a drug, that is made from a natural human, animal, or 988  
microorganism source and is intended to treat a disease or 989  
medical condition. 990

(Y) "Third-party logistics provider" means a person that 991  
provides or coordinates warehousing or other logistics services 992  
pertaining to dangerous drugs including distribution, on behalf 993  
of a manufacturer, wholesale distributor, or terminal 994  
distributor of dangerous drugs, but does not take ownership of 995  
the drugs or have responsibility to direct the sale or 996  
disposition of the drugs. 997

(Z) "Repackager of dangerous drugs" or "repackager" means 998  
a person that repacks and relabels dangerous drugs for sale or 999  
distribution. 1000

(AA) "Outsourcing facility" means a facility that is 1001  
engaged in the compounding and sale of sterile drugs and is 1002  
registered as an outsourcing facility with the United States 1003  
food and drug administration. 1004

**Section 2.** That existing sections 4723.07, 4723.28, 1005  
4723.43, 4723.44, 4723.50, and 4729.01 of the Revised Code are 1006  
hereby repealed. 1007

**Section 3.** That the version of section 4729.01 of the 1008  
Revised Code that is scheduled to take effect March 22, 2020, be 1009  
amended to read as follows: 1010

**Sec. 4729.01.** As used in this chapter: 1011

(A) "Pharmacy," except when used in a context that refers 1012  
to the practice of pharmacy, means any area, room, rooms, place 1013  
of business, department, or portion of any of the foregoing 1014  
where the practice of pharmacy is conducted. 1015

(B) "Practice of pharmacy" means providing pharmacist care 1016  
requiring specialized knowledge, judgment, and skill derived 1017  
from the principles of biological, chemical, behavioral, social, 1018  
pharmaceutical, and clinical sciences. As used in this division, 1019  
"pharmacist care" includes the following: 1020

(1) Interpreting prescriptions; 1021

(2) Dispensing drugs and drug therapy related devices; 1022

(3) Compounding drugs; 1023

(4) Counseling individuals with regard to their drug 1024  
therapy, recommending drug therapy related devices, and 1025  
assisting in the selection of drugs and appliances for treatment 1026  
of common diseases and injuries and providing instruction in the 1027  
proper use of the drugs and appliances; 1028

(5) Performing drug regimen reviews with individuals by 1029  
discussing all of the drugs that the individual is taking and 1030  
explaining the interactions of the drugs; 1031

(6) Performing drug utilization reviews with licensed 1032  
health professionals authorized to prescribe drugs when the 1033  
pharmacist determines that an individual with a prescription has 1034  
a drug regimen that warrants additional discussion with the 1035  
prescriber; 1036

(7) Advising an individual and the health care 1037  
professionals treating an individual with regard to the 1038  
individual's drug therapy; 1039

(8) Acting pursuant to a consult agreement with one or 1040  
more physicians authorized under Chapter 4731. of the Revised 1041  
Code to practice medicine and surgery or osteopathic medicine 1042  
and surgery, if an agreement has been established; 1043

(9) Engaging in the administration of immunizations to the 1044  
extent authorized by section 4729.41 of the Revised Code; 1045

(10) Engaging in the administration of drugs to the extent 1046  
authorized by section 4729.45 of the Revised Code. 1047

(C) "Compounding" means the preparation, mixing, 1048  
assembling, packaging, and labeling of one or more drugs in any 1049  
of the following circumstances: 1050

(1) Pursuant to a prescription issued by a licensed health 1051  
professional authorized to prescribe drugs; 1052

(2) Pursuant to the modification of a prescription made in 1053  
accordance with a consult agreement; 1054

(3) As an incident to research, teaching activities, or 1055  
chemical analysis; 1056

(4) In anticipation of orders for drugs pursuant to 1057  
prescriptions, based on routine, regularly observed dispensing 1058  
patterns; 1059

(5) Pursuant to a request made by a licensed health 1060  
professional authorized to prescribe drugs for a drug that is to 1061  
be used by the professional for the purpose of direct 1062  
administration to patients in the course of the professional's 1063  
practice, if all of the following apply: 1064

(a) At the time the request is made, the drug is not 1065  
commercially available regardless of the reason that the drug is 1066  
not available, including the absence of a manufacturer for the 1067  
drug or the lack of a readily available supply of the drug from 1068  
a manufacturer. 1069

(b) A limited quantity of the drug is compounded and 1070  
provided to the professional. 1071

(c) The drug is compounded and provided to the 1072  
professional as an occasional exception to the normal practice 1073  
of dispensing drugs pursuant to patient-specific prescriptions. 1074

(D) "Consult agreement" means an agreement that has been 1075  
entered into under section 4729.39 of the Revised Code. 1076

(E) "Drug" means: 1077

(1) Any article recognized in the United States 1078  
pharmacopoeia and national formulary, or any supplement to them, 1079  
intended for use in the diagnosis, cure, mitigation, treatment, 1080  
or prevention of disease in humans or animals; 1081

(2) Any other article intended for use in the diagnosis, 1082  
cure, mitigation, treatment, or prevention of disease in humans 1083  
or animals; 1084

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

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

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

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

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

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

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

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

(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code.

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

(H) "Prescription" means all of the following: 1112

(1) A written, electronic, or oral order for drugs or 1113  
combinations or mixtures of drugs to be used by a particular 1114  
individual or for treating a particular animal, issued by a 1115  
licensed health professional authorized to prescribe drugs; 1116

(2) For purposes of sections 2925.61, 4723.488, 4730.431, 1117  
and 4731.94 of the Revised Code, a written, electronic, or oral 1118  
order for naloxone issued to and in the name of a family member, 1119  
friend, or other individual in a position to assist an 1120  
individual who there is reason to believe is at risk of 1121  
experiencing an opioid-related overdose. 1122

(3) For purposes of section 4729.44 of the Revised Code, a 1123  
written, electronic, or oral order for naloxone issued to and in 1124  
the name of either of the following: 1125

(a) An individual who there is reason to believe is at 1126  
risk of experiencing an opioid-related overdose; 1127

(b) A family member, friend, or other individual in a 1128  
position to assist an individual who there is reason to believe 1129  
is at risk of experiencing an opioid-related overdose. 1130

(4) For purposes of sections 4723.4810, 4729.282, 1131  
4730.432, and 4731.93 of the Revised Code, a written, 1132  
electronic, or oral order for a drug to treat chlamydia, 1133  
gonorrhea, or trichomoniasis issued to and in the name of a 1134  
patient who is not the intended user of the drug but is the 1135  
sexual partner of the intended user; 1136

(5) For purposes of sections 3313.7110, 3313.7111, 1137  
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 1138  
4731.96, and 5101.76 of the Revised Code, a written, electronic, 1139  
or oral order for an epinephrine autoinjector issued to and in 1140



the name of a school, school district, or camp; 1141

(6) For purposes of Chapter 3728. and sections 4723.483, 1142  
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 1143  
electronic, or oral order for an epinephrine autoinjector issued 1144  
to and in the name of a qualified entity, as defined in section 1145  
3728.01 of the Revised Code. 1146

(I) "Licensed health professional authorized to prescribe 1147  
drugs" or "prescriber" means an individual who is authorized by 1148  
law to prescribe drugs or dangerous drugs or drug therapy 1149  
related devices in the course of the individual's professional 1150  
practice, including only the following: 1151

(1) A dentist licensed under Chapter 4715. of the Revised 1152  
Code; 1153

(2) A clinical nurse specialist, certified nurse-midwife, 1154  
or certified nurse practitioner who holds a current, valid 1155  
license to practice nursing as an advanced practice registered 1156  
nurse issued under Chapter 4723. of the Revised Code; 1157

(3) A certified registered nurse anesthetist who holds a 1158  
current, valid license to practice nursing as an advanced 1159  
practice registered nurse issued under Chapter 4723. of the 1160  
Revised Code, but only to the extent of the nurse's authority 1161  
under section 4723.484 of the Revised Code to select and order 1162  
drugs other than anesthesia; 1163

(4) An optometrist licensed under Chapter 4725. of the 1164  
Revised Code to practice optometry under a therapeutic 1165  
pharmaceutical agents certificate; 1166

~~(4)~~ (5) A physician authorized under Chapter 4731. of the 1167  
Revised Code to practice medicine and surgery, osteopathic 1168  
medicine and surgery, or podiatric medicine and surgery; 1169

~~(5)~~ (6) A physician assistant who holds a license to 1170  
practice as a physician assistant issued under Chapter 4730. of 1171  
the Revised Code, holds a valid prescriber number issued by the 1172  
state medical board, and has been granted physician-delegated 1173  
prescriptive authority; 1174

~~(6)~~ (7) A veterinarian licensed under Chapter 4741. of the 1175  
Revised Code. 1176

(J) "Sale" or "sell" includes any transaction made by any 1177  
person, whether as principal proprietor, agent, or employee, to 1178  
do or offer to do any of the following: deliver, distribute, 1179  
broker, exchange, gift or otherwise give away, or transfer, 1180  
whether the transfer is by passage of title, physical movement, 1181  
or both. 1182

(K) "Wholesale sale" and "sale at wholesale" mean any sale 1183  
in which the purpose of the purchaser is to resell the article 1184  
purchased or received by the purchaser. 1185

(L) "Retail sale" and "sale at retail" mean any sale other 1186  
than a wholesale sale or sale at wholesale. 1187

(M) "Retail seller" means any person that sells any 1188  
dangerous drug to consumers without assuming control over and 1189  
responsibility for its administration. Mere advice or 1190  
instructions regarding administration do not constitute control 1191  
or establish responsibility. 1192

(N) "Price information" means the price charged for a 1193  
prescription for a particular drug product and, in an easily 1194  
understandable manner, all of the following: 1195

(1) The proprietary name of the drug product; 1196

(2) The established (generic) name of the drug product; 1197

(3) The strength of the drug product if the product 1198  
contains a single active ingredient or if the drug product 1199  
contains more than one active ingredient and a relevant strength 1200  
can be associated with the product without indicating each 1201  
active ingredient. The established name and quantity of each 1202  
active ingredient are required if such a relevant strength 1203  
cannot be so associated with a drug product containing more than 1204  
one ingredient. 1205

(4) The dosage form; 1206

(5) The price charged for a specific quantity of the drug 1207  
product. The stated price shall include all charges to the 1208  
consumer, including, but not limited to, the cost of the drug 1209  
product, professional fees, handling fees, if any, and a 1210  
statement identifying professional services routinely furnished 1211  
by the pharmacy. Any mailing fees and delivery fees may be 1212  
stated separately without repetition. The information shall not 1213  
be false or misleading. 1214

(O) "Wholesale distributor of dangerous drugs" or 1215  
"wholesale distributor" means a person engaged in the sale of 1216  
dangerous drugs at wholesale and includes any agent or employee 1217  
of such a person authorized by the person to engage in the sale 1218  
of dangerous drugs at wholesale. 1219

(P) "Manufacturer of dangerous drugs" or "manufacturer" 1220  
means a person, other than a pharmacist or prescriber, who 1221  
manufactures dangerous drugs and who is engaged in the sale of 1222  
those dangerous drugs. 1223

(Q) "Terminal distributor of dangerous drugs" or "terminal 1224  
distributor" means a person who is engaged in the sale of 1225  
dangerous drugs at retail, or any person, other than a 1226

manufacturer, repackager, outsourcing facility, third-party 1227  
logistics provider, wholesale distributor, or pharmacist, who 1228  
has possession, custody, or control of dangerous drugs for any 1229  
purpose other than for that person's own use and consumption. 1230  
"Terminal distributor" includes pharmacies, hospitals, nursing 1231  
homes, and laboratories and all other persons who procure 1232  
dangerous drugs for sale or other distribution by or under the 1233  
supervision of a pharmacist, licensed health professional 1234  
authorized to prescribe drugs, or other person authorized by the 1235  
state board of pharmacy. 1236

(R) "Promote to the public" means disseminating a 1237  
representation to the public in any manner or by any means, 1238  
other than by labeling, for the purpose of inducing, or that is 1239  
likely to induce, directly or indirectly, the purchase of a 1240  
dangerous drug at retail. 1241

(S) "Person" includes any individual, partnership, 1242  
association, limited liability company, or corporation, the 1243  
state, any political subdivision of the state, and any district, 1244  
department, or agency of the state or its political 1245  
subdivisions. 1246

(T) "Animal shelter" means a facility operated by a humane 1247  
society or any society organized under Chapter 1717. of the 1248  
Revised Code or a dog pound operated pursuant to Chapter 955. of 1249  
the Revised Code. 1250

(U) "Food" has the same meaning as in section 3715.01 of 1251  
the Revised Code. 1252

(V) "Pain management clinic" has the same meaning as in 1253  
section 4731.054 of the Revised Code. 1254

(W) "Investigational drug or product" means a drug or 1255

product that has successfully completed phase one of the United 1256  
States food and drug administration clinical trials and remains 1257  
under clinical trial, but has not been approved for general use 1258  
by the United States food and drug administration. 1259

"Investigational drug or product" does not include controlled 1260  
substances in schedule I, as defined in section 3719.01 of the 1261  
Revised Code. 1262

(X) "Product," when used in reference to an 1263  
investigational drug or product, means a biological product, 1264  
other than a drug, that is made from a natural human, animal, or 1265  
microorganism source and is intended to treat a disease or 1266  
medical condition. 1267

(Y) "Third-party logistics provider" means a person that 1268  
provides or coordinates warehousing or other logistics services 1269  
pertaining to dangerous drugs including distribution, on behalf 1270  
of a manufacturer, wholesale distributor, or terminal 1271  
distributor of dangerous drugs, but does not take ownership of 1272  
the drugs or have responsibility to direct the sale or 1273  
disposition of the drugs. 1274

(Z) "Repackager of dangerous drugs" or "repackager" means 1275  
a person that repacks and relabels dangerous drugs for sale or 1276  
distribution. 1277

(AA) "Outsourcing facility" means a facility that is 1278  
engaged in the compounding and sale of sterile drugs and is 1279  
registered as an outsourcing facility with the United States 1280  
food and drug administration. 1281

(BB) "Laboratory" means a laboratory licensed under this 1282  
chapter as a terminal distributor of dangerous drugs and 1283  
entrusted to have custody of any of the following drugs and to 1284

use the drugs for scientific and clinical purposes and for 1285  
purposes of instruction: dangerous drugs that are not controlled 1286  
substances, as defined in section 3719.01 of the Revised Code; 1287  
dangerous drugs that are controlled substances, as defined in 1288  
that section; and controlled substances in schedule I, as 1289  
defined in that section. 1290

**Section 4.** That the existing version of section 4729.01 of 1291  
the Revised Code that is scheduled to take effect March 22, 1292  
2020, is hereby repealed. 1293

**Section 5.** Section 4729.01 of the Revised Code that is 1294  
scheduled to take effect March 22, 2020, is presented in this 1295  
act as a composite of the section as amended by both Sub. S.B. 1296  
119 and Sub. S.B. 229 of the 132nd General Assembly. The General 1297  
Assembly, applying the principle stated in division (B) of 1298  
section 1.52 of the Revised Code that amendments are to be 1299  
harmonized if reasonably capable of simultaneous operation, 1300  
finds that the composite is the resulting version of the section 1301  
in effect prior to the effective date of the section as 1302  
presented in this act. 1303