

As Pending in the Senate Health Committee

134th General Assembly

Regular Session

2021-2022

Sub. S. B. No. 321

Senator Romanchuk

Cosponsor: Senator Lang

A BILL

To amend section 4723.431 and to enact section 1
4723.436 of the Revised Code to authorize 2
certain clinical nurse specialists, certified 3
nurse-midwives, and certified nurse 4
practitioners to sign documents related to 5
hospital patient admission, treatment, and 6
discharge, and to amend the version of section 7
4723.431 of the Revised Code that is scheduled 8
to take effect on September 30, 2024, to 9
continue the changes to that section on and 10
after that date. 11

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

Section 1. That section 4723.431 be amended and section 12
4723.436 of the Revised Code be enacted to read as follows: 13

Sec. 4723.431. (A) (1) An advanced practice registered 14
nurse who is designated as a clinical nurse specialist, 15
certified nurse-midwife, or certified nurse practitioner may 16
practice only in accordance with a standard care arrangement 17
entered into with each physician or podiatrist with whom the 18

nurse collaborates. A copy of the standard care arrangement 19
shall be retained on file by the nurse's employer. Prior 20
approval of the standard care arrangement by the board of 21
nursing is not required, but the board may periodically review 22
it for compliance with this section. 23

A clinical nurse specialist, certified nurse-midwife, or 24
certified nurse practitioner may enter into a standard care 25
arrangement with one or more collaborating physicians or 26
podiatrists. If a collaborating physician or podiatrist enters 27
into standard care arrangements with more than five nurses, the 28
physician or podiatrist shall not collaborate at the same time 29
with more than five nurses in the prescribing component of their 30
practices. 31

Not later than thirty days after first engaging in the 32
practice of nursing as a clinical nurse specialist, certified 33
nurse-midwife, or certified nurse practitioner, the nurse shall 34
submit to the board the name and business address of each 35
collaborating physician or podiatrist. Thereafter, the nurse 36
shall notify the board of any additions or deletions to the 37
nurse's collaborating physicians or podiatrists. Except as 38
provided in division (D) of this section, the notice must be 39
provided not later than thirty days after the change takes 40
effect. 41

(2) All of the following conditions apply with respect to 42
the practice of a collaborating physician or podiatrist with 43
whom a clinical nurse specialist, certified nurse-midwife, or 44
certified nurse practitioner may enter into a standard care 45
arrangement: 46

(a) The physician or podiatrist must be authorized to 47
practice in this state. 48

(b) Except as provided in division (A) (2) (c) of this section, the physician or podiatrist must be practicing in a specialty that is the same as or similar to the nurse's nursing specialty.

(c) If the nurse is a clinical nurse specialist who is certified as a psychiatric-mental health CNS by the American nurses credentialing center or a certified nurse practitioner who is certified as a psychiatric-mental health NP by the American nurses credentialing center, the nurse may enter into a standard care arrangement with a physician but not a podiatrist and the collaborating physician must be practicing in one of the following specialties:

- (i) Psychiatry;
- (ii) Pediatrics;
- (iii) Primary care or family practice.

(B) A standard care arrangement shall be in writing and 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 or another 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 or another 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 77
whereby a physician or podiatrist is available for emergency 78
care; 79

(4) The process for resolution of disagreements regarding 80
matters of patient management between the clinical nurse 81
specialist, certified nurse-midwife, or certified nurse 82
practitioner and a collaborating physician or podiatrist; 83

(5) Any other criteria required by rule of the board 84
adopted pursuant to section 4723.07 or 4723.50 of the Revised 85
Code. 86

~~(C) (1) (C)~~ A standard care arrangement entered into 87
pursuant to this section may permit a clinical nurse specialist, 88
certified nurse-midwife, or certified nurse practitioner to 89
~~supervise~~ do any of the following: 90

(1) Supervise services provided by a home health agency as 91
defined in section 3740.01 of the Revised Code.— 92

~~(2) A standard care arrangement entered into pursuant to 93
this section may permit a clinical nurse specialist, certified 94
nurse-midwife, or certified nurse practitioner to admit; 95~~

(2) Admit a patient to a hospital in accordance with 96
section 3727.06 of the Revised Code; 97

(3) Sign any document relating to the admission, 98
treatment, or discharge of a hospital patient, but only if the 99
requirements of section 4723.436 of the Revised Code have been 100
met. 101

(D) (1) Except as provided in division (D) (2) of this 102
section, if a physician or podiatrist terminates the 103
collaboration between the physician or podiatrist and a clinical 104

nurse specialist, certified nurse-midwife, or certified nurse practitioner, ~~or clinical nurse specialist~~ before their standard care arrangement expires, all of the following apply:

(a) The physician or podiatrist must give the nurse written or electronic notice of the termination.

(b) Once the nurse receives the termination notice, the nurse must notify the board of nursing of the termination as soon as practicable by submitting to the board a copy of the physician's or podiatrist's termination notice.

(c) Notwithstanding the requirement of section 4723.43 of the Revised Code that the nurse practice in collaboration with a physician or podiatrist, the nurse may continue to practice under the existing standard care arrangement without a collaborating physician or podiatrist for not more than one hundred twenty days after submitting to the board a copy of the termination notice.

(2) In the event that the collaboration between a physician or podiatrist and a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, ~~or clinical nurse specialist~~ terminates because of the physician's or podiatrist's death, the nurse must notify the board of the death as soon as practicable. The nurse may continue to practice under the existing standard care arrangement without a collaborating physician or podiatrist for not more than one hundred twenty days after notifying the board of the physician's or podiatrist's death.

(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 134
necessary to meet the requirements of this section. A standard 135
care arrangement between the hospital's employee and the 136
employee's collaborating physician is subject to approval by the 137
medical staff and governing body of the hospital prior to 138
implementation of the arrangement at the hospital. 139

Sec. 4723.436. (A) As used in this section, "hospital" has 140
the same meaning as in section 3722.01 of the Revised Code. 141

(B) Subject to division (C) of this section, a clinical 142
nurse specialist, certified nurse-midwife, or certified nurse 143
practitioner who is employed by a hospital may sign one or more 144
documents relating to any of the following: 145

(1) The admission of a patient to the hospital; 146

(2) The patient's discharge from the hospital; 147

(3) The patient's treatment while hospitalized. 148

The documents may include a treatment plan or any 149
medication order that is part of the treatment plan. 150

(C) To be eligible to sign documents described in division 151
(B) of this section, all of the following must be satisfied: 152

(1) The nurse's collaborating physician or podiatrist is 153
employed by the hospital or a member of the hospital's medical 154
staff. 155

(2) The nurse's collaborating physician or podiatrist has 156
authorized the nurse to sign documents described in division (B) 157
of this section for the physician's or podiatrist's patients. 158

(3) The standard care arrangement that the nurse has 159
entered into pursuant to section 4723.431 of the Revised Code 160

with the collaborating physician or podiatrist specifies in 161
writing that the nurse is authorized to sign documents described 162
in division (B) of this section for the physician's or 163
podiatrist's patients. 164

(D) A collaborating physician or podiatrist who authorizes 165
a nurse to sign one or more documents as described in division 166
(B) of this section is not liable for damages in a civil action 167
for injury, death, or loss to person or property for an act or 168
omission that arises from the nurse signing the document, and is 169
not subject to administrative action or criminal prosecution for 170
an act or omission that arises from the nurse signing the 171
document. 172

Section 2. That existing section 4723.431 of the Revised 173
Code is hereby repealed. 174

Section 3. That the version of section 4723.431 of the 175
Revised Code that is scheduled to take effect September 30, 176
2024, be amended to read as follows: 177

Sec. 4723.431. (A) (1) An advanced practice registered 178
nurse who is designated as a clinical nurse specialist, 179
certified nurse-midwife, or certified nurse practitioner may 180
practice only in accordance with a standard care arrangement 181
entered into with each physician or podiatrist with whom the 182
nurse collaborates. A copy of the standard care arrangement 183
shall be retained on file by the nurse's employer. Prior 184
approval of the standard care arrangement by the board of 185
nursing is not required, but the board may periodically review 186
it for compliance with this section. 187

A clinical nurse specialist, certified nurse-midwife, or 188
certified nurse practitioner may enter into a standard care 189

arrangement with one or more collaborating physicians or 190
podiatrists. If a collaborating physician or podiatrist enters 191
into standard care arrangements with more than five nurses, the 192
physician or podiatrist shall not collaborate at the same time 193
with more than five nurses in the prescribing component of their 194
practices. 195

Not later than thirty days after first engaging in the 196
practice of nursing as a clinical nurse specialist, certified 197
nurse-midwife, or certified nurse practitioner, the nurse shall 198
submit to the board the name and business address of each 199
collaborating physician or podiatrist. Thereafter, the nurse 200
shall notify the board of any additions or deletions to the 201
nurse's collaborating physicians or podiatrists. Except as 202
provided in division (D) of this section, the notice must be 203
provided not later than thirty days after the change takes 204
effect. 205

(2) All of the following conditions apply with respect to 206
the practice of a collaborating physician or podiatrist with 207
whom a clinical nurse specialist, certified nurse-midwife, or 208
certified nurse practitioner may enter into a standard care 209
arrangement: 210

(a) The physician or podiatrist must be authorized to 211
practice in this state. 212

(b) Except as provided in division (A) (2) (c) of this 213
section, the physician or podiatrist must be practicing in a 214
specialty that is the same as or similar to the nurse's nursing 215
specialty. 216

(c) If the nurse is a clinical nurse specialist who is 217
certified as a psychiatric-mental health CNS by the American 218

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| nurses credentialing center or a certified nurse practitioner | 219 |
| who is certified as a psychiatric-mental health NP by the | 220 |
| American nurses credentialing center, the nurse may enter into a | 221 |
| standard care arrangement with a physician but not a podiatrist | 222 |
| and the collaborating physician must be practicing in one of the | 223 |
| following specialties: | 224 |
| (i) Psychiatry; | 225 |
| (ii) Pediatrics; | 226 |
| (iii) Primary care or family practice. | 227 |
| (B) A standard care arrangement shall be in writing and | 228 |
| shall contain all of the following: | 229 |
| (1) Criteria for referral of a patient by the clinical | 230 |
| nurse specialist, certified nurse-midwife, or certified nurse | 231 |
| practitioner to a collaborating physician or podiatrist or | 232 |
| another physician or podiatrist; | 233 |
| (2) A process for the clinical nurse specialist, certified | 234 |
| nurse-midwife, or certified nurse practitioner to obtain a | 235 |
| consultation with a collaborating physician or podiatrist or | 236 |
| another physician or podiatrist; | 237 |
| (3) A plan for coverage in instances of emergency or | 238 |
| planned absences of either the clinical nurse specialist, | 239 |
| certified nurse-midwife, or certified nurse practitioner or a | 240 |
| collaborating physician or podiatrist that provides the means | 241 |
| whereby a physician or podiatrist is available for emergency | 242 |
| care; | 243 |
| (4) The process for resolution of disagreements regarding | 244 |
| matters of patient management between the clinical nurse | 245 |
| specialist, certified nurse-midwife, or certified nurse | 246 |

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| practitioner and a collaborating physician or podiatrist; | 247 |
| (5) Any other criteria required by rule of the board | 248 |
| adopted pursuant to section 4723.07 or 4723.50 of the Revised | 249 |
| Code. | 250 |
| (C) (1) <u>(C)</u> A standard care arrangement entered into | 251 |
| pursuant to this section may permit a clinical nurse specialist, | 252 |
| certified nurse-midwife, or certified nurse practitioner to | 253 |
| supervise <u>do any of the following:</u> | 254 |
| <u>(1) Supervise</u> services provided by a home health agency as | 255 |
| defined in section 3740.01 of the Revised Code. — | 256 |
| (2) A standard care arrangement entered into pursuant to | 257 |
| this section may permit a clinical nurse specialist, certified | 258 |
| nurse-midwife, or certified nurse practitioner to admit; | 259 |
| <u>(2) Admit</u> a patient to a hospital; | 260 |
| <u>(3) Sign any document relating to the admission,</u> | 261 |
| <u>treatment, or discharge of a hospital patient, but only if the</u> | 262 |
| <u>requirements of section 4723.436 of the Revised Code have been</u> | 263 |
| <u>met.</u> | 264 |
| (D) (1) Except as provided in division (D) (2) of this | 265 |
| section, if a physician or podiatrist terminates the | 266 |
| collaboration between the physician or podiatrist and a <u>clinical</u> | 267 |
| <u>nurse specialist,</u> certified nurse-midwife, <u>or</u> certified nurse | 268 |
| practitioner, or clinical nurse specialist before their standard | 269 |
| care arrangement expires, all of the following apply: | 270 |
| (a) The physician or podiatrist must give the nurse | 271 |
| written or electronic notice of the termination. | 272 |
| (b) Once the nurse receives the termination notice, the | 273 |
| nurse must notify the board of nursing of the termination as | 274 |

soon as practicable by submitting to the board a copy of the 275
physician's or podiatrist's termination notice. 276

(c) Notwithstanding the requirement of section 4723.43 of 277
the Revised Code that the nurse practice in collaboration with a 278
physician or podiatrist, the nurse may continue to practice 279
under the existing standard care arrangement without a 280
collaborating physician or podiatrist for not more than one 281
hundred twenty days after submitting to the board a copy of the 282
termination notice. 283

(2) In the event that the collaboration between a 284
physician or podiatrist and a clinical nurse specialist, 285
certified nurse-midwife, or certified nurse practitioner, ~~or~~ 286
~~clinical nurse specialist~~ terminates because of the physician's 287
or podiatrist's death, the nurse must notify the board of the 288
death as soon as practicable. The nurse may continue to practice 289
under the existing standard care arrangement without a 290
collaborating physician or podiatrist for not more than one 291
hundred twenty days after notifying the board of the physician's 292
or podiatrist's death. 293

(E) Nothing in this section prohibits a hospital from 294
hiring a clinical nurse specialist, certified nurse-midwife, or 295
certified nurse practitioner as an employee and negotiating 296
standard care arrangements on behalf of the employee as 297
necessary to meet the requirements of this section. A standard 298
care arrangement between the hospital's employee and the 299
employee's collaborating physician is subject to approval by the 300
medical staff and governing body of the hospital prior to 301
implementation of the arrangement at the hospital. 302

Section 4. That the existing version of section 4723.431 303
of the Revised Code that is scheduled to take effect September 304

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| 30, 2024, is hereby repealed. | 305 |
| Section 5. Sections 3 and 4 of this act take effect | 306 |
| September 30, 2024. | 307 |
| Section 6. The version of section 4723.431 of the Revised | 308 |
| Code that is scheduled to take effect September 30, 2024, is | 309 |
| presented in this act as a composite of the section as amended | 310 |
| by both Section 101.01 and Section 130.10 of H.B. 110 of the | 311 |
| 134th General Assembly. The General Assembly, applying the | 312 |
| principle stated in division (B) of section 1.52 of the Revised | 313 |
| Code that amendments are to be harmonized if reasonably capable | 314 |
| of simultaneous operation, finds that the composite is the | 315 |
| resulting version of the section in effect prior to the | 316 |
| effective date of the section as presented in this act. | 317 |