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Representatives Henne, McColley

**Cosponsors: Representatives Retherford, Becker, Hambley, Roegner, Dean,
Goodman, Seitz, Young, Schaffer, Vitale, Koehler, Thompson, Huffman, Ginter,
Brenner, Greenspan, Brinkman, Johnson, Keller, Lang, Merrin, Perales, Reineke,
Rezabek, Riedel, Romanchuk, Stein, Speaker Rosenberger**

Senators Burke, Coley, Eklund, Hackett, Hoagland, Huffman, Terhar, Wilson

A BILL

To amend sections 4723.06, 4723.28, 4723.35, 1
5101.47, 5101.54, and 5160.47 and to enact 2
sections 5160.29, 5160.291, 5160.292, and 3
5160.293 of the Revised Code regarding 4
eligibility and benefits under the Supplemental 5
Nutrition Assistance program and the Medicaid 6
program and the use of the term substance abuse 7
disorder in statutes regarding the Board of 8
Nursing. 9

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

Section 1. That sections 4723.06, 4723.28, 4723.35, 10
5101.47, 5101.54, and 5160.47 be amended and sections 5160.29, 11
5160.291, 5160.292, and 5160.293 of the Revised Code be enacted 12
to read as follows: 13

Sec. 4723.06. (A) The board of nursing shall: 14

(1) Administer and enforce the provisions of this chapter, 15

including the taking of disciplinary action for violations of 16
section 4723.28 of the Revised Code, any other provisions of 17
this chapter, or rules adopted under this chapter; 18

(2) Develop criteria that an applicant must meet to be 19
eligible to sit for the examination for licensure to practice as 20
a registered nurse or as a licensed practical nurse; 21

(3) Issue and renew nursing licenses, dialysis technician 22
certificates, and community health worker certificates, as 23
provided in this chapter; 24

(4) Define the minimum educational standards for the 25
schools and programs of registered nursing and practical nursing 26
in this state; 27

(5) Survey, inspect, and grant full approval to 28
prelicensure nursing education programs in this state that meet 29
the standards established by rules adopted under section 4723.07 30
of the Revised Code. Prelicensure nursing education programs 31
include, but are not limited to, diploma, associate degree, 32
baccalaureate degree, master's degree, and doctor of nursing 33
programs leading to initial licensure to practice nursing as a 34
registered nurse and practical nurse programs leading to initial 35
licensure to practice nursing as a licensed practical nurse. 36

(6) Grant conditional approval, by a vote of a quorum of 37
the board, to a new prelicensure nursing education program or a 38
program that is being reestablished after having ceased to 39
operate, if the program meets and maintains the minimum 40
standards of the board established by rules adopted under 41
section 4723.07 of the Revised Code. If the board does not grant 42
conditional approval, it shall hold an adjudication under 43
Chapter 119. of the Revised Code to consider conditional 44

approval of the program. If the board grants conditional 45
approval, at the first meeting following completion of the 46
survey process required by division (A) (5) of this section, the 47
board shall determine whether to grant full approval to the 48
program. If the board does not grant full approval or if it 49
appears that the program has failed to meet and maintain 50
standards established by rules adopted under section 4723.07 of 51
the Revised Code, the board shall hold an adjudication under 52
Chapter 119. of the Revised Code to consider the program. Based 53
on results of the adjudication, the board may continue or 54
withdraw conditional approval, or grant full approval. 55

(7) Place on provisional approval, for a period of time 56
specified by the board, a prelicensure nursing education program 57
that has ceased to meet and maintain the minimum standards of 58
the board established by rules adopted under section 4723.07 of 59
the Revised Code. Prior to or at the end of the period, the 60
board shall reconsider whether the program meets the standards 61
and shall grant full approval if it does. If it does not, the 62
board may withdraw approval, pursuant to an adjudication under 63
Chapter 119. of the Revised Code. 64

(8) Approve continuing education programs and courses 65
under standards established in rules adopted under sections 66
4723.07, 4723.69, 4723.79, and 4723.88 of the Revised Code; 67

(9) Establish a substance abuse disorder monitoring 68
~~program for monitoring chemical dependency~~ in accordance with 69
section 4723.35 of the Revised Code; 70

(10) Establish the practice intervention and improvement 71
program in accordance with section 4723.282 of the Revised Code; 72

(11) Grant approval to the course of study in advanced 73

pharmacology and related topics described in section 4723.482 of 74
the Revised Code; 75

(12) Make an annual edition of the exclusionary formulary 76
established in rules adopted under section 4723.50 of the 77
Revised Code available to the public by electronic means and, as 78
soon as possible after any revision of the formulary becomes 79
effective, make the revision available to the public by 80
electronic means; 81

(13) Approve under section 4723.46 of the Revised Code 82
national certifying organizations for examination and licensure 83
of advanced practice registered nurses, which may include 84
separate organizations for each nursing specialty; 85

(14) Provide guidance and make recommendations to the 86
general assembly, the governor, state agencies, and the federal 87
government with respect to the regulation of the practice of 88
nursing and the enforcement of this chapter; 89

(15) Make an annual report to the governor, which shall be 90
open for public inspection; 91

(16) Maintain and have open for public inspection the 92
following records: 93

(a) A record of all its meetings and proceedings; 94

(b) A record of all applicants for, and holders of, 95
licenses and certificates issued by the board under this chapter 96
or in accordance with rules adopted under this chapter. The 97
record shall be maintained in a format determined by the board. 98

(c) A list of education and training programs approved by 99
the board. 100

(17) Deny conditional approval to a new prelicensure 101

nursing education program or a program that is being 102
reestablished after having ceased to operate if the program or a 103
person acting on behalf of the program submits or causes to be 104
submitted to the board false, misleading, or deceptive 105
statements, information, or documentation in the process of 106
applying for approval of the program. If the board proposes to 107
deny approval of the program, it shall do so pursuant to an 108
adjudication conducted under Chapter 119. of the Revised Code. 109

(B) The board may fulfill the requirement of division (A) 110
(8) of this section by authorizing persons who meet the 111
standards established in rules adopted under section 4723.07 of 112
the Revised Code to approve continuing education programs and 113
courses. Persons so authorized shall approve continuing 114
education programs and courses in accordance with standards 115
established in rules adopted under section 4723.07 of the 116
Revised Code. 117

Persons seeking authorization to approve continuing 118
education programs and courses shall apply to the board and pay 119
the appropriate fee established under section 4723.08 of the 120
Revised Code. Authorizations to approve continuing education 121
programs and courses shall expire and may be renewed according 122
to the schedule established in rules adopted under section 123
4723.07 of the Revised Code. 124

In addition to approving continuing education programs 125
under division (A) (8) of this section, the board may sponsor 126
continuing education activities that are directly related to the 127
statutes and rules the board enforces. 128

(C) (1) The board may deny conditional approval to a new 129
prelicensure nursing education program or program that is being 130
reestablished after having ceased to operate if the program is 131

controlled by a person who controls or has controlled a program 132
that had its approval withdrawn, revoked, suspended, or 133
restricted by the board or a board of another jurisdiction that 134
is a member of the national council of state boards of nursing. 135
If the board proposes to deny approval, it shall do so pursuant 136
to an adjudication conducted under Chapter 119. of the Revised 137
Code. 138

(2) As used in this division, "control" means any of the 139
following: 140

(a) Holding fifty per cent or more of the outstanding 141
voting securities or membership interest of a prelicensure 142
nursing education program; 143

(b) In the case of an unincorporated prelicensure nursing 144
education program, having the right to fifty per cent or more of 145
the program's profits or in the event of a dissolution, fifty 146
per cent or more of the program's assets; 147

(c) In the case of a prelicensure nursing education 148
program that is a for-profit or not-for-profit corporation, 149
having the contractual authority presently to designate fifty 150
per cent or more of its directors; 151

(d) In the case of a prelicensure nursing education 152
program that is a trust, having the contractual authority 153
presently to designate fifty per cent or more of its trustees; 154

(e) Having the authority to direct the management, 155
policies, or investments of a prelicensure nursing education 156
program. 157

(D) (1) When an action taken by the board under division 158
(A) (6), (7), or (17) or (C) (1) of this section is required to be 159
taken pursuant to an adjudication conducted under Chapter 119. 160

of the Revised Code, the board may, in lieu of an adjudication 161
hearing, enter into a consent agreement to resolve the matter. A 162
consent agreement, when ratified by a vote of a quorum of the 163
board, constitutes the findings and order of the board with 164
respect to the matter addressed in the agreement. If the board 165
refuses to ratify a consent agreement, the admissions and 166
findings contained in the agreement are of no effect. 167

(2) In any instance in which the board is required under 168
Chapter 119. of the Revised Code to give notice to a person 169
seeking approval of a prelicensure nursing education program of 170
an opportunity for a hearing and the person does not make a 171
timely request for a hearing in accordance with section 119.07 172
of the Revised Code, the board is not required to hold a 173
hearing, but may adopt, by a vote of a quorum, a final order 174
that contains the board's findings. 175

(3) When the board denies or withdraws approval of a 176
prelicensure nursing education program, the board may specify 177
that its action is permanent. A program subject to a permanent 178
action taken by the board is forever ineligible for approval and 179
the board shall not accept an application for the program's 180
reinstatement or approval. 181

Sec. 4723.28. (A) The board of nursing, by a vote of a 182
quorum, may impose one or more of the following sanctions if it 183
finds that a person committed fraud in passing an examination 184
required to obtain a license or dialysis technician certificate 185
issued by the board or to have committed fraud, 186
misrepresentation, or deception in applying for or securing any 187
nursing license or dialysis technician certificate issued by the 188
board: deny, revoke, suspend, or place restrictions on any 189
nursing license or dialysis technician certificate issued by the 190

board; reprimand or otherwise discipline a holder of a nursing 191
license or dialysis technician certificate; or impose a fine of 192
not more than five hundred dollars per violation. 193

(B) The board of nursing, by a vote of a quorum, may 194
impose one or more of the following sanctions: deny, revoke, 195
suspend, or place restrictions on any nursing license or 196
dialysis technician certificate issued by the board; reprimand 197
or otherwise discipline a holder of a nursing license or 198
dialysis technician certificate; or impose a fine of not more 199
than five hundred dollars per violation. The sanctions may be 200
imposed for any of the following: 201

(1) Denial, revocation, suspension, or restriction of 202
authority to engage in a licensed profession or practice a 203
health care occupation, including nursing or practice as a 204
dialysis technician, for any reason other than a failure to 205
renew, in Ohio or another state or jurisdiction; 206

(2) Engaging in the practice of nursing or engaging in 207
practice as a dialysis technician, having failed to renew a 208
nursing license or dialysis technician certificate issued under 209
this chapter, or while a nursing license or dialysis technician 210
certificate is under suspension; 211

(3) Conviction of, a plea of guilty to, a judicial finding 212
of guilt of, a judicial finding of guilt resulting from a plea 213
of no contest to, or a judicial finding of eligibility for a 214
pretrial diversion or similar program or for intervention in 215
lieu of conviction for, a misdemeanor committed in the course of 216
practice; 217

(4) Conviction of, a plea of guilty to, a judicial finding 218
of guilt of, a judicial finding of guilt resulting from a plea 219

of no contest to, or a judicial finding of eligibility for a 220
pretrial diversion or similar program or for intervention in 221
lieu of conviction for, any felony or of any crime involving 222
gross immorality or moral turpitude; 223

(5) Selling, giving away, or administering drugs or 224
therapeutic devices for other than legal and legitimate 225
therapeutic purposes; or conviction of, a plea of guilty to, a 226
judicial finding of guilt of, a judicial finding of guilt 227
resulting from a plea of no contest to, or a judicial finding of 228
eligibility for a pretrial diversion or similar program or for 229
intervention in lieu of conviction for, violating any municipal, 230
state, county, or federal drug law; 231

(6) Conviction of, a plea of guilty to, a judicial finding 232
of guilt of, a judicial finding of guilt resulting from a plea 233
of no contest to, or a judicial finding of eligibility for a 234
pretrial diversion or similar program or for intervention in 235
lieu of conviction for, an act in another jurisdiction that 236
would constitute a felony or a crime of moral turpitude in Ohio; 237

(7) Conviction of, a plea of guilty to, a judicial finding 238
of guilt of, a judicial finding of guilt resulting from a plea 239
of no contest to, or a judicial finding of eligibility for a 240
pretrial diversion or similar program or for intervention in 241
lieu of conviction for, an act in the course of practice in 242
another jurisdiction that would constitute a misdemeanor in 243
Ohio; 244

(8) Self-administering or otherwise taking into the body 245
any dangerous drug, as defined in section 4729.01 of the Revised 246
Code, in any way that is not in accordance with a legal, valid 247
prescription issued for that individual, or self-administering 248
or otherwise taking into the body any drug that is a schedule I 249

controlled substance;	250
(9) Habitual or excessive use of controlled substances,	251
other habit-forming drugs, or alcohol or other chemical	252
substances to an extent that impairs the individual's ability to	253
provide safe nursing care or safe dialysis care;	254
(10) Impairment of the ability to practice according to	255
acceptable and prevailing standards of safe nursing care or safe	256
dialysis care because of the use of drugs, alcohol, or other	257
chemical substances;	258
(11) Impairment of the ability to practice according to	259
acceptable and prevailing standards of safe nursing care or safe	260
dialysis care because of a physical or mental disability;	261
(12) Assaulting or causing harm to a patient or depriving	262
a patient of the means to summon assistance;	263
(13) Misappropriation or attempted misappropriation of	264
money or anything of value in the course of practice;	265
(14) Adjudication by a probate court of being mentally ill	266
or mentally incompetent. The board may reinstate the person's	267
nursing license or dialysis technician certificate upon	268
adjudication by a probate court of the person's restoration to	269
competency or upon submission to the board of other proof of	270
competency.	271
(15) The suspension or termination of employment by the	272
United States department of defense or department of veterans	273
affairs for any act that violates or would violate this chapter;	274
(16) Violation of this chapter or any rules adopted under	275
it;	276
(17) Violation of any restrictions placed by the board on	277

a nursing license or dialysis technician certificate;	278
(18) Failure to use universal and standard precautions	279
established by rules adopted under section 4723.07 of the	280
Revised Code;	281
(19) Failure to practice in accordance with acceptable and	282
prevailing standards of safe nursing care or safe dialysis care;	283
(20) In the case of a registered nurse, engaging in	284
activities that exceed the practice of nursing as a registered	285
nurse;	286
(21) In the case of a licensed practical nurse, engaging	287
in activities that exceed the practice of nursing as a licensed	288
practical nurse;	289
(22) In the case of a dialysis technician, engaging in	290
activities that exceed those permitted under section 4723.72 of	291
the Revised Code;	292
(23) Aiding and abetting a person in that person's	293
practice of nursing without a license or practice as a dialysis	294
technician without a certificate issued under this chapter;	295
(24) In the case of an advanced practice registered nurse,	296
except as provided in division (M) of this section, either of	297
the following:	298
(a) Waiving the payment of all or any part of a deductible	299
or copayment that a patient, pursuant to a health insurance or	300
health care policy, contract, or plan that covers such nursing	301
services, would otherwise be required to pay if the waiver is	302
used as an enticement to a patient or group of patients to	303
receive health care services from that provider;	304
(b) Advertising that the nurse will waive the payment of	305

all or any part of a deductible or copayment that a patient, 306
pursuant to a health insurance or health care policy, contract, 307
or plan that covers such nursing services, would otherwise be 308
required to pay. 309

(25) Failure to comply with the terms and conditions of 310
participation in the ~~chemical dependency~~ substance use disorder 311
monitoring program established under section 4723.35 of the 312
Revised Code; 313

(26) Failure to comply with the terms and conditions 314
required under the practice intervention and improvement program 315
established under section 4723.282 of the Revised Code; 316

(27) In the case of an advanced practice registered nurse: 317

(a) Engaging in activities that exceed those permitted for 318
the nurse's nursing specialty under section 4723.43 of the 319
Revised Code; 320

(b) Failure to meet the quality assurance standards 321
established under section 4723.07 of the Revised Code. 322

(28) In the case of an advanced practice registered nurse 323
other than a certified registered nurse anesthetist, failure to 324
maintain a standard care arrangement in accordance with section 325
4723.431 of the Revised Code or to practice in accordance with 326
the standard care arrangement; 327

(29) In the case of an advanced practice registered nurse 328
who is designated as a clinical nurse specialist, certified 329
nurse-midwife, or certified nurse practitioner, failure to 330
prescribe drugs and therapeutic devices in accordance with 331
section 4723.481 of the Revised Code; 332

(30) Prescribing any drug or device to perform or induce 333

an abortion, or otherwise performing or inducing an abortion; 334

(31) Failure to establish and maintain professional 335
boundaries with a patient, as specified in rules adopted under 336
section 4723.07 of the Revised Code; 337

(32) Regardless of whether the contact or verbal behavior 338
is consensual, engaging with a patient other than the spouse of 339
the registered nurse, licensed practical nurse, or dialysis 340
technician in any of the following: 341

(a) Sexual contact, as defined in section 2907.01 of the 342
Revised Code; 343

(b) Verbal behavior that is sexually demeaning to the 344
patient or may be reasonably interpreted by the patient as 345
sexually demeaning. 346

(33) Assisting suicide, as defined in section 3795.01 of 347
the Revised Code; 348

(34) Failure to comply with the requirements in section 349
3719.061 of the Revised Code before issuing for a minor a 350
prescription for an opioid analgesic, as defined in section 351
3719.01 of the Revised Code; 352

(35) Failure to comply with section 4723.487 of the 353
Revised Code, unless the state board of pharmacy no longer 354
maintains a drug database pursuant to section 4729.75 of the 355
Revised Code; 356

(36) The revocation, suspension, restriction, reduction, 357
or termination of clinical privileges by the United States 358
department of defense or department of veterans affairs or the 359
termination or suspension of a certificate of registration to 360
prescribe drugs by the drug enforcement administration of the 361

United States department of justice. 362

(C) Disciplinary actions taken by the board under 363
divisions (A) and (B) of this section shall be taken pursuant to 364
an adjudication conducted under Chapter 119. of the Revised 365
Code, except that in lieu of a hearing, the board may enter into 366
a consent agreement with an individual to resolve an allegation 367
of a violation of this chapter or any rule adopted under it. A 368
consent agreement, when ratified by a vote of a quorum, shall 369
constitute the findings and order of the board with respect to 370
the matter addressed in the agreement. If the board refuses to 371
ratify a consent agreement, the admissions and findings 372
contained in the agreement shall be of no effect. 373

(D) The hearings of the board shall be conducted in 374
accordance with Chapter 119. of the Revised Code, the board may 375
appoint a hearing examiner, as provided in section 119.09 of the 376
Revised Code, to conduct any hearing the board is authorized to 377
hold under Chapter 119. of the Revised Code. 378

In any instance in which the board is required under 379
Chapter 119. of the Revised Code to give notice of an 380
opportunity for a hearing and the applicant, licensee, or 381
certificate holder does not make a timely request for a hearing 382
in accordance with section 119.07 of the Revised Code, the board 383
is not required to hold a hearing, but may adopt, by a vote of a 384
quorum, a final order that contains the board's findings. In the 385
final order, the board may order any of the sanctions listed in 386
division (A) or (B) of this section. 387

(E) If a criminal action is brought against a registered 388
nurse, licensed practical nurse, or dialysis technician for an 389
act or crime described in divisions (B) (3) to (7) of this 390
section and the action is dismissed by the trial court other 391

than on the merits, the board shall conduct an adjudication to 392
determine whether the registered nurse, licensed practical 393
nurse, or dialysis technician committed the act on which the 394
action was based. If the board determines on the basis of the 395
adjudication that the registered nurse, licensed practical 396
nurse, or dialysis technician committed the act, or if the 397
registered nurse, licensed practical nurse, or dialysis 398
technician fails to participate in the adjudication, the board 399
may take action as though the registered nurse, licensed 400
practical nurse, or dialysis technician had been convicted of 401
the act. 402

If the board takes action on the basis of a conviction, 403
plea, or a judicial finding as described in divisions (B) (3) to 404
(7) of this section that is overturned on appeal, the registered 405
nurse, licensed practical nurse, or dialysis technician may, on 406
exhaustion of the appeal process, petition the board for 407
reconsideration of its action. On receipt of the petition and 408
supporting court documents, the board shall temporarily rescind 409
its action. If the board determines that the decision on appeal 410
was a decision on the merits, it shall permanently rescind its 411
action. If the board determines that the decision on appeal was 412
not a decision on the merits, it shall conduct an adjudication 413
to determine whether the registered nurse, licensed practical 414
nurse, or dialysis technician committed the act on which the 415
original conviction, plea, or judicial finding was based. If the 416
board determines on the basis of the adjudication that the 417
registered nurse, licensed practical nurse, or dialysis 418
technician committed such act, or if the registered nurse, 419
licensed practical nurse, or dialysis technician does not 420
request an adjudication, the board shall reinstate its action; 421
otherwise, the board shall permanently rescind its action. 422

Notwithstanding the provision of division (C) (2) of 423
section 2953.32 of the Revised Code specifying that if records 424
pertaining to a criminal case are sealed under that section the 425
proceedings in the case shall be deemed not to have occurred, 426
sealing of the following records on which the board has based an 427
action under this section shall have no effect on the board's 428
action or any sanction imposed by the board under this section: 429
records of any conviction, guilty plea, judicial finding of 430
guilt resulting from a plea of no contest, or a judicial finding 431
of eligibility for a pretrial diversion program or intervention 432
in lieu of conviction. 433

The board shall not be required to seal, destroy, redact, 434
or otherwise modify its records to reflect the court's sealing 435
of conviction records. 436

(F) The board may investigate an individual's criminal 437
background in performing its duties under this section. As part 438
of such investigation, the board may order the individual to 439
submit, at the individual's expense, a request to the bureau of 440
criminal identification and investigation for a criminal records 441
check and check of federal bureau of investigation records in 442
accordance with the procedure described in section 4723.091 of 443
the Revised Code. 444

(G) During the course of an investigation conducted under 445
this section, the board may compel any registered nurse, 446
licensed practical nurse, or dialysis technician or applicant 447
under this chapter to submit to a mental or physical 448
examination, or both, as required by the board and at the 449
expense of the individual, if the board finds reason to believe 450
that the individual under investigation may have a physical or 451
mental impairment that may affect the individual's ability to 452

provide safe nursing care. Failure of any individual to submit 453
to a mental or physical examination when directed constitutes an 454
admission of the allegations, unless the failure is due to 455
circumstances beyond the individual's control, and a default and 456
final order may be entered without the taking of testimony or 457
presentation of evidence. 458

If the board finds that an individual is impaired, the 459
board shall require the individual to submit to care, 460
counseling, or treatment approved or designated by the board, as 461
a condition for initial, continued, reinstated, or renewed 462
authority to practice. The individual shall be afforded an 463
opportunity to demonstrate to the board that the individual can 464
begin or resume the individual's occupation in compliance with 465
acceptable and prevailing standards of care under the provisions 466
of the individual's authority to practice. 467

For purposes of this division, any registered nurse, 468
licensed practical nurse, or dialysis technician or applicant 469
under this chapter shall be deemed to have given consent to 470
submit to a mental or physical examination when directed to do 471
so in writing by the board, and to have waived all objections to 472
the admissibility of testimony or examination reports that 473
constitute a privileged communication. 474

(H) The board shall investigate evidence that appears to 475
show that any person has violated any provision of this chapter 476
or any rule of the board. Any person may report to the board any 477
information the person may have that appears to show a violation 478
of any provision of this chapter or rule of the board. In the 479
absence of bad faith, any person who reports such information or 480
who testifies before the board in any adjudication conducted 481
under Chapter 119. of the Revised Code shall not be liable for 482

civil damages as a result of the report or testimony. 483

(I) All of the following apply under this chapter with 484
respect to the confidentiality of information: 485

(1) Information received by the board pursuant to a 486
complaint or an investigation is confidential and not subject to 487
discovery in any civil action, except that the board may 488
disclose information to law enforcement officers and government 489
entities for purposes of an investigation of either a licensed 490
health care professional, including a registered nurse, licensed 491
practical nurse, or dialysis technician, or a person who may 492
have engaged in the unauthorized practice of nursing or dialysis 493
care. No law enforcement officer or government entity with 494
knowledge of any information disclosed by the board pursuant to 495
this division shall divulge the information to any other person 496
or government entity except for the purpose of a government 497
investigation, a prosecution, or an adjudication by a court or 498
government entity. 499

(2) If an investigation requires a review of patient 500
records, the investigation and proceeding shall be conducted in 501
such a manner as to protect patient confidentiality. 502

(3) All adjudications and investigations of the board 503
shall be considered civil actions for the purposes of section 504
2305.252 of the Revised Code. 505

(4) Any board activity that involves continued monitoring 506
of an individual as part of or following any disciplinary action 507
taken under this section shall be conducted in a manner that 508
maintains the individual's confidentiality. Information received 509
or maintained by the board with respect to the board's 510
monitoring activities is not subject to discovery in any civil 511

action and is confidential, except that the board may disclose 512
information to law enforcement officers and government entities 513
for purposes of an investigation of a licensee or certificate 514
holder. 515

(J) Any action taken by the board under this section 516
resulting in a suspension from practice shall be accompanied by 517
a written statement of the conditions under which the person may 518
be reinstated to practice. 519

(K) When the board refuses to grant a license or 520
certificate to an applicant, revokes a license or certificate, 521
or refuses to reinstate a license or certificate, the board may 522
specify that its action is permanent. An individual subject to 523
permanent action taken by the board is forever ineligible to 524
hold a license or certificate of the type that was refused or 525
revoked and the board shall not accept from the individual an 526
application for reinstatement of the license or certificate or 527
for a new license or certificate. 528

(L) No unilateral surrender of a nursing license, 529
certificate of authority, or dialysis technician certificate 530
issued under this chapter shall be effective unless accepted by 531
majority vote of the board. No application for a nursing 532
license, certificate of authority, or dialysis technician 533
certificate issued under this chapter may be withdrawn without a 534
majority vote of the board. The board's jurisdiction to take 535
disciplinary action under this section is not removed or limited 536
when an individual has a license or certificate classified as 537
inactive or fails to renew a license or certificate. 538

(M) Sanctions shall not be imposed under division (B) (24) 539
of this section against any licensee who waives deductibles and 540
copayments as follows: 541

(1) In compliance with the health benefit plan that 542
expressly allows such a practice. Waiver of the deductibles or 543
copayments shall be made only with the full knowledge and 544
consent of the plan purchaser, payer, and third-party 545
administrator. Documentation of the consent shall be made 546
available to the board upon request. 547

(2) For professional services rendered to any other person 548
licensed pursuant to this chapter to the extent allowed by this 549
chapter and the rules of the board. 550

Sec. 4723.35. (A) As used in this section, ~~"chemical-~~ 551
~~dependency"~~ "substance use disorder" means either of the 552
following: 553

(1) The chronic and habitual use of alcoholic beverages to 554
the extent that the user no longer can control the use of 555
alcohol or endangers the user's health, safety, or welfare or 556
that of others; 557

(2) The use of a controlled substance as defined in 558
section 3719.01 of the Revised Code, a harmful intoxicant as 559
defined in section 2925.01 of the Revised Code, or a dangerous 560
drug as defined in section 4729.01 of the Revised Code, to the 561
extent that the user becomes physically or psychologically 562
dependent on the substance, intoxicant, or drug or endangers the 563
user's health, safety, or welfare or that of others. 564

(B) The board of nursing may abstain from taking 565
disciplinary action under section 4723.28 or 4723.86 of the 566
Revised Code against an individual with a ~~chemical dependency-~~ 567
substance use disorder if it finds that the individual can be 568
treated effectively and there is no impairment of the 569
individual's ability to practice according to acceptable and 570

prevailing standards of safe care. The board shall establish a 571
~~chemical dependency substance use disorder~~ monitoring program to 572
monitor the registered nurses, licensed practical nurses, 573
dialysis technicians, and certified community health workers 574
against whom the board has abstained from taking action. The 575
board shall develop the program, select the program's name, and 576
designate a coordinator to administer the program. 577

(C) Determinations regarding an individual's eligibility 578
for admission to, continued participation in, and successful 579
completion of the monitoring program shall be made by the 580
board's supervising member for disciplinary matters in 581
accordance with rules adopted under division (D) of this 582
section. 583

(D) The board shall adopt rules in accordance with Chapter 584
119. of the Revised Code that establish the following: 585

(1) Eligibility requirements for admission to and 586
continued participation in the monitoring program; 587

(2) Terms and conditions that must be met to participate 588
in and successfully complete the program; 589

(3) Procedures for keeping confidential records regarding 590
participants; 591

(4) Any other requirements or procedures necessary to 592
establish and administer the program. 593

(E) (1) As a condition of being admitted to the monitoring 594
program, an individual shall surrender to the program 595
coordinator the license or certificate that the individual 596
holds. While the surrender is in effect, the individual is 597
prohibited from engaging in the practice of nursing, engaging in 598
the provision of dialysis care, or engaging in the provision of 599

services that were being provided as a certified community 600
health worker. 601

If the board's supervising member for disciplinary matters 602
determines that a participant is capable of resuming practice 603
according to acceptable and prevailing standards of safe care, 604
the program coordinator shall return the participant's license 605
or certificate. If the participant violates the terms and 606
conditions of resumed practice, the coordinator shall require 607
the participant to surrender the license or certificate as a 608
condition of continued participation in the program. The 609
coordinator may require the surrender only on the approval of 610
the board's supervising member for disciplinary matters. 611

The surrender of a license or certificate on admission to 612
the monitoring program or while participating in the program 613
does not constitute an action by the board under section 4723.28 614
or 4723.86 of the Revised Code. The participant may rescind the 615
surrender at any time and the board may proceed by taking action 616
under section 4723.28 or 4723.86 of the Revised Code. 617

(2) If the program coordinator determines that a 618
participant is significantly out of compliance with the terms 619
and conditions for participation, the coordinator shall notify 620
the board's supervising member for disciplinary matters and the 621
supervising member shall determine whether to temporarily 622
suspend the participant's license or certificate. The board 623
shall notify the participant of the suspension by certified mail 624
sent to the participant's last known address and shall refer the 625
matter to the board for formal action under section 4723.28 or 626
4723.86 of the Revised Code. 627

(F) All of the following apply with respect to the 628
receipt, release, and maintenance of records and information by 629

the monitoring program: 630

(1) The program coordinator shall maintain all program 631
records in the board's office, and for each participant, shall 632
retain the records for a period of two years following the 633
participant's date of successful completion of the program. 634

(2) When applying to participate in the monitoring 635
program, the applicant shall sign a waiver permitting the board 636
to receive and release information necessary to determine 637
whether the individual is eligible for admission. After being 638
admitted, the participant shall sign a waiver permitting the 639
board to receive and release information necessary to determine 640
whether the individual is eligible for continued participation 641
in the program. Information that may be necessary for the 642
board's supervising member for disciplinary matters to determine 643
eligibility for admission or continued participation in the 644
monitoring program includes, but is not limited to, information 645
provided to and by employers, probation officers, law 646
enforcement agencies, peer assistance programs, health 647
professionals, and treatment providers. No entity with knowledge 648
that the information has been provided to the monitoring program 649
shall divulge that knowledge to any other person. 650

(3) Except as provided in division (F)(4) of this section, 651
all records pertaining to an individual's application for or 652
participation in the monitoring program, including medical 653
records, treatment records, and mental health records, shall be 654
confidential. The records are not public records for the 655
purposes of section 149.43 of the Revised Code and are not 656
subject to discovery by subpoena or admissible as evidence in 657
any judicial proceeding. 658

(4) The board may disclose information regarding a 659

participant's progress in the program to any person or 660
government entity that the participant authorizes in writing to 661
be given the information. In disclosing information under this 662
division, the board shall not include any information that is 663
protected under section 5119.27 of the Revised Code or any 664
federal statute or regulation that provides for the 665
confidentiality of medical, mental health, or substance abuse 666
records. 667

(G) In the absence of fraud or bad faith, the board as a 668
whole, its individual members, and its employees and 669
representatives are not liable for damages in any civil action 670
as a result of disclosing information in accordance with 671
division (F) (4) of this section. In the absence of fraud or bad 672
faith, any person reporting to the program with regard to an 673
individual's ~~chemical dependence~~ substance use disorder, or the 674
progress or lack of progress of that individual with regard to 675
treatment, is not liable for damages in any civil action as a 676
result of the report. 677

Sec. 5101.47. (A) Except as provided in divisions (B) and 678
(C) of this section, both of the following apply to the 679
department of job and family services: 680

(1) The department shall accept applications, determine 681
eligibility, redetermine eligibility, and perform related 682
administrative activities for the supplemental nutrition 683
assistance program administered by the department pursuant to 684
section 5101.54 of the Revised Code. 685

The department may assign the duties described in division 686
(A) (1) of this section to any county department of job and 687
family services. 688

(2) The department may accept applications, determine
eligibility, redetermine eligibility, and perform related
administrative activities for one or more of the following:

~~(1) (a)~~ Publicly funded child care provided under Chapter
5104. of the Revised Code;

~~(2) The supplemental nutrition assistance program~~
~~administered by the department pursuant to section 5101.54 of~~
~~the Revised Code;~~

~~(3) (b)~~ Other programs administered by the department that
the director of job and family services determines are
supportive of children, adults, or families;

~~(4) (c)~~ Other programs administered by the department
regarding which the director determines administrative cost
savings and efficiency may be achieved through the department
accepting applications, determining eligibility, redetermining
eligibility, or performing related administrative activities.

(B) If federal law requires a face-to-face interview to
complete an eligibility determination for a program specified in
or pursuant to division (A) of this section, the face-to-face
interview shall not be conducted by the department of job and
family services.

(C) Subject to division (B) of this section, if the
department is required or elects to accept applications,
determine eligibility, redetermine eligibility, and perform
related administrative activities for a program specified in or
pursuant to division (A) of this section, both of the following
apply:

(1) An individual seeking services under the program may
apply for the program to the department or to the entity that

state law governing the program authorizes to accept 718
applications for the program. 719

(2) The department is subject to federal statutes and 720
regulations and state statutes and rules that require, permit, 721
or prohibit an action regarding accepting applications, 722
determining or redetermining eligibility, and performing related 723
administrative activities for the program. 724

(D) The director may adopt rules as necessary to implement 725
this section. 726

Sec. 5101.54. (A) The director of job and family services 727
shall administer the supplemental nutrition assistance program 728
in accordance with the Food and Nutrition Act of 2008 (7 U.S.C. 729
2011 et seq.). The department of job and family services may: 730

(1) Prepare and submit to the secretary of the United 731
States department of agriculture a plan for the administration 732
of the supplemental nutrition assistance program; 733

(2) Prescribe forms for applications, certificates, 734
reports, records, and accounts of county departments of job and 735
family services, and other matters; 736

(3) Require such reports and information from each county 737
department of job and family services as may be necessary and 738
advisable; 739

(4) Administer and expend any sums appropriated by the 740
general assembly for the purposes of the supplemental nutrition 741
assistance program and all sums paid to the state by the United 742
States as authorized by the Food and Nutrition Act of 2008; 743

(5) Conduct such investigations as are necessary; 744

(6) Enter into interagency agreements and cooperate with 745

investigations conducted by the department of public safety, 746
including providing information for investigative purposes, 747
exchanging property and records, passing through federal 748
financial participation, modifying any agreements with the 749
United States department of agriculture, providing for the 750
supply, security, and accounting of supplemental nutrition 751
assistance program benefits for investigative purposes, and 752
meeting any other requirements necessary for the detection and 753
deterrence of illegal activities in the supplemental nutrition 754
assistance program; 755

(7) Adopt rules in accordance with Chapter 119. of the 756
Revised Code governing employment and training requirements of 757
recipients of supplemental nutrition assistance program 758
benefits, including rules specifying which recipients are 759
subject to the requirements and establishing sanctions for 760
failure to satisfy the requirements. The rules shall be 761
consistent with 7 U.S.C. 2015, including its work and employment 762
and training requirements, and, to the extent practicable, shall 763
provide for the recipients to participate in work activities, 764
developmental activities, and alternative work activities 765
described in sections 5107.40 to 5107.69 of the Revised Code 766
that are comparable to programs authorized by 7 U.S.C. 2015(d) 767
(4). The rules may reference rules adopted under section 5107.05 768
of the Revised Code governing work activities, developmental 769
activities, and alternative work activities described in 770
sections 5107.40 to 5107.69 of the Revised Code. 771

(8) Adopt rules in accordance with section 111.15 of the 772
Revised Code that are consistent with the Food and Nutrition Act 773
of 2008, ~~as amended, and the~~ regulations adopted thereunder, and 774
this section governing the following: 775

(a) Eligibility requirements for the supplemental 776
nutrition assistance program; 777

(b) Sanctions for failure to comply with eligibility 778
requirements; 779

(c) Allotment of supplemental nutrition assistance program 780
benefits; 781

(d) To the extent permitted under federal statutes and 782
regulations, a system under which some or all recipients of 783
supplemental nutrition assistance program benefits subject to 784
employment and training requirements established by rules 785
adopted under division (A) (7) of this section receive the 786
benefits after satisfying the requirements; 787

(e) Administration of the program by county departments of 788
job and family services; 789

(f) Other requirements necessary for the efficient 790
administration of the program. 791

(9) Submit a plan to the United States secretary of 792
agriculture for the department of job and family services to 793
operate a simplified supplemental nutrition assistance program 794
pursuant to 7 U.S.C. 2035 under which requirements governing the 795
Ohio works first program established under Chapter 5107. of the 796
Revised Code also govern the supplemental nutrition assistance 797
program in the case of households receiving supplemental 798
nutrition assistance program benefits and participating in Ohio 799
works first. 800

(B) A household that is entitled to receive supplemental 801
nutrition assistance program benefits and that is determined to 802
be in immediate need of nutrition assistance, shall receive 803
certification of eligibility for program benefits, pending 804

verification, within twenty-four hours, or, if mitigating 805
circumstances occur, within seventy-two hours, after 806
application, if: 807

(1) The results of the application interview indicate that 808
the household will be eligible upon full verification; 809

(2) Information sufficient to confirm the statements in 810
the application has been obtained from at least one additional 811
source, not a member of the applicant's household. Such 812
information shall be recorded in the case file, and shall 813
include: 814

(a) The name of the person who provided the name of the 815
information source; 816

(b) The name and address of the information source; 817

(c) A summary of the information obtained. 818

The period of temporary eligibility shall not exceed one 819
month from the date of certification of temporary eligibility. 820
If eligibility is established by full verification, benefits 821
shall continue without interruption as long as eligibility 822
continues. 823

There is no limit on the number of times a household may 824
receive expedited certification of eligibility under this 825
division as long as before each expedited certification all of 826
the information identified in division (F)(1) of this section 827
was verified for the household at the last expedited 828
certification or the household's eligibility was certified under 829
normal processing standards since the last expedited 830
certification. 831

At the time of application, the county department of job 832

and family services shall provide to a household described in 833
this division a list of community assistance programs that 834
provide emergency food. 835

(C) Before certifying supplemental nutrition assistance 836
program benefits, the department shall verify the eligibility of 837
each household in accordance with division (F) of this section. 838
All applications shall be approved or denied through full 839
verification within thirty days from receipt of the application 840
by the county department of job and family services. 841

(D) Nothing in this section shall be construed to prohibit 842
the certification of households that qualify under federal 843
regulations to receive supplemental nutrition assistance program 844
benefits without charge under the Food and Nutrition Act of 845
2008. 846

(E) Any person who applies for the supplemental nutrition 847
assistance program shall receive a voter registration 848
application under section 3503.10 of the Revised Code. 849

(F) (1) In order to verify household eligibility as 850
required by federal regulations and this section, the department 851
shall, except as provided in division (F) (2) of this section, 852
verify at least the following information before certifying 853
supplemental nutrition assistance program benefits: 854

(a) Household composition; 855

(b) Identity; 856

(c) Citizenship and alien eligibility status; 857

(d) Social security numbers; 858

(e) State residency status; 859

<u>(f) Disability status;</u>	860
<u>(g) Gross nonexempt income;</u>	861
<u>(h) Utility expenses;</u>	862
<u>(i) Medical expenses;</u>	863
<u>(j) Enrollment status in other state-administered public</u>	864
<u>assistance programs within and outside this state;</u>	865
<u>(k) Any available information related to potential</u>	866
<u>identity fraud or identity theft.</u>	867
<u>(2) A household's eligibility for supplemental nutrition</u>	868
<u>assistance program benefits may be certified before all of the</u>	869
<u>information identified in division (F) (1) of this section is</u>	870
<u>verified if the household's certification is being expedited</u>	871
<u>under division (B) of this section.</u>	872
<u>(3) On at least a quarterly basis and consistent with</u>	873
<u>federal regulations, as information is received by a county</u>	874
<u>department of job and family services, the county department</u>	875
<u>shall review and act on information identified in division (F)</u>	876
<u>(1) of this section that indicates a change in circumstances</u>	877
<u>that may affect eligibility, to the extent such information is</u>	878
<u>available to the department.</u>	879
<u>(4) Consistent with federal regulations, as part of the</u>	880
<u>application for public assistance and before certifying benefits</u>	881
<u>under the supplemental nutrition assistance program, the</u>	882
<u>department shall require an applicant, or a person acting on the</u>	883
<u>applicant's behalf, to verify the identity of the members of the</u>	884
<u>applicant household.</u>	885
<u>(5) (a) The department shall sign a memorandum of</u>	886
<u>understanding with any department, agency, or division as needed</u>	887

to obtain the information identified in division (F)(1) of this 888
section. 889

(b) The department may contract with one or more 890
independent vendors to provide the information identified in 891
division (F)(1) of this section. 892

(c) Nothing in this section prevents the department or a 893
county department of job and family services from receiving or 894
reviewing additional information related to eligibility not 895
identified in this section or from contracting with one or more 896
independent vendors to provide additional information not 897
identified in this section. 898

(6) The department shall explore joining a multistate 899
cooperative, such as the national accuracy clearinghouse, to 900
identify individuals enrolled in public assistance programs 901
outside of this state. 902

(G) If the department receives information concerning a 903
household certified to receive supplemental nutrition assistance 904
program benefits that indicates a change in circumstances that 905
may affect eligibility, the department shall take action in 906
accordance with federal regulations, including verifying unclear 907
information, providing prior written notice of a change or 908
adverse action, and notifying the household of the right to a 909
fair hearing. 910

(H) In the case of suspected fraud, the department shall 911
refer the case for an administrative disqualification hearing or 912
to the county prosecutor of the county in which the applicant or 913
recipient resides for investigation, or both. 914

(I) The department shall adopt rules in accordance with 915
Chapter 119. of the Revised Code to implement divisions (F) to 916

(H) of this section. 917

(J) Except as prohibited by federal law, the department 918
may assign any of the duties described in this section to any 919
county department of job and family services. 920

Sec. 5160.29. (A) As part of the process of determining an 921
individual's eligibility for a medical assistance program, at 922
least all of the following information about the individual 923
shall be verified: 924

(1) Identity; 925

(2) Citizenship and alien eligibility; 926

(3) Social security number; 927

(4) State residency status; 928

(5) Disability status; 929

(6) Gross nonexempt income; 930

(7) Household status; 931

(8) Medical expenses; 932

(9) Enrollment status in other state-administered public 933
assistance programs within and outside the state. 934

(B) As part of the process of determining an individual's 935
eligibility for a medical assistance program, each applicant, or 936
a person acting on the applicant's behalf, shall verify the 937
applicant's identity. 938

(C) (1) The department of medicaid shall sign a memorandum 939
of understanding with any department, agency, or division as 940
needed to obtain the information specified in division (A) of 941
this section. 942

(2) The department may contract with one or more 943
independent vendors to provide the information identified in 944
division (A) of this section. 945

Sec. 5160.291. (A)(1) As information described in division 946
(A) of section 5160.29 of the Revised Code is received by the 947
department of medicaid or an entity with which the department 948
has entered into an agreement under section 5160.30 of the 949
Revised Code, the department or entity shall do both of the 950
following on at least a quarterly basis and in accordance with 951
federal regulations: 952

(a) Review the information to determine whether it 953
indicates a change in circumstances that may affect eligibility 954
for a medical assistance program; 955

(b) Take appropriate action. 956

(2) Division (A)(1) of this section applies only to the 957
extent information described in division (A) of section 5160.29 958
of the Revised Code is available to the department or entity. 959

(B) If the department of medicaid or an entity with which 960
the department has entered into an agreement under section 961
5160.30 of the Revised Code receives information concerning a 962
medical assistance recipient that indicates a change in 963
circumstances that may affect the recipient's continued 964
eligibility for the medical assistance program in which the 965
recipient is enrolled, the department or entity shall take 966
appropriate action, including verifying unclear information, 967
providing prior written notice of a change or adverse action, 968
and notifying the recipient of the right to appeal under section 969
5160.31 of the Revised Code. 970

Sec. 5160.292. If a violation of section 2913.401 of the 971

Revised Code or a similar offense is suspected in the process of 972
determining or redetermining a medical assistance recipient's 973
eligibility, the case shall be referred for investigation to the 974
county prosecutor of the county in which the medical assistance 975
recipient resides, referred for an administrative 976
disqualification hearing, or both. 977

Sec. 5160.293. Nothing in sections 5160.29 to 5160.292 of 978
the Revised Code prevents the department of medicaid or any 979
entity with which the department has entered into an agreement 980
under section 5160.30 of the Revised Code from doing either of 981
the following: 982

(A) Receiving or reviewing information related to 983
individuals' eligibility for a medical assistance program beyond 984
the information specified in division (A) of section 5160.29 of 985
the Revised Code; 986

(B) Contracting with one or more independent vendors to 987
provide such additional information for such purpose. 988

Sec. 5160.47. (A) The department of medicaid shall ~~enter~~ 989
do both of the following: 990

(1) Enter into any necessary agreements with the United 991
States department of health and human services and neighboring 992
states to join and participate as an active member in the public 993
assistance reporting information system; 994

(2) Explore joining other multistate cooperatives, such as 995
the national accuracy clearinghouse, to identify individuals 996
enrolled in public assistance programs outside of this state. 997
The— 998

(B) The department may disclose information regarding a 999
medical assistance recipient to the extent necessary to 1000

participate as an active member in the public assistance 1001
reporting information system or other multistate cooperative. 1002

Section 2. That existing sections 4723.06, 4723.28, 1003
4723.35, 5101.47, 5101.54, and 5160.47 of the Revised Code are 1004
hereby repealed. 1005

Section 3. Sections 5101.47, 5101.54, 5160.29, 5160.291, 1006
5160.292, 5160.293, and 5160.47 of the Revised Code, as amended 1007
or enacted by this act, shall take effect on July 1, 2019. 1008