

4723-2-01

**Definitions.**

(A) For purposes of Chapters 4723-1 to 4723-27 of the Administrative Code, and except as otherwise provided, the following definitions shall apply:

- (1) "Active duty service member" means any member of the armed forces of the United States performing active duty under title 10 of the United States Code.
- (2) "Armed forces" means the armed forces of the United States, including the army, navy, air force, marine corps, coast guard, or any reserve components of those forces; the national guard of any state; the commissioned corps of the United States public health service; the merchant marine service during wartime; such other service as may be designated by congress; or the Ohio organized militia when engaged in full-time national guard duty for a period of more than thirty days.
- (3) "Applicant" means an individual who applies to the board for a license, temporary permit, or certificate, or renewal, reinstatement or reactivation of a license or certificate, to practice as:
  - (a) A registered nurse or licensed practical nurse;
  - (b) A dialysis technician intern;
  - (c) A certified dialysis technician;
  - (d) A medication aide;
  - (e) A community health worker; or
  - (f) An advanced practice registered nurse, ~~as defined in paragraph (A) of rule 4723-8-01 of the Administrative Code; or~~
  - (g) ~~An advanced practice registered nurse with prescriptive authority.~~
- (4) "Service member" means any person who is serving in the armed forces.
- (5) "Merchant marine" includes the United States army transport service and the United States naval transport service.
- (6) "Veteran" means any person who has completed service in the armed forces, including the national guard of any state, or a reserve component of the armed forces, who has been discharged under honorable conditions from the armed forces or who has been transferred to the reserve with evidence of satisfactory service.

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Certification

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4723-2-03

**Fee waivers available to service members, veterans, or spouses of service members or veterans.**

- (A) A licensed practical nurse or registered nurse, who submits a renewal application after September fifteenth or later, or whose license lapsed, due to the licensee's service in the armed forces, shall be eligible for renewal and reinstatement without payment of the late application fee required by division (A)(10) of section 4723.08 of the Revised Code, and the reinstatement fee required by division (A)(15) of section 4723.08 of the Revised Code, if the following are met:
- (1) The licensee presents the board with satisfactory evidence that, not more than six months prior to the date the evidence is submitted to the board, the licensee or certificate holder was honorably discharged or separated under honorable conditions;
  - (2) The licensee is not suffering a mental or physical impairment that may affect the individual's ability to provide safe care; and
  - (3) The licensee meets the requirements for license or certificate renewal required by section 4723.24 of the Revised Code.
- (B) A licensed practical nurse or registered nurse, who submits a renewal application after September fifteenth or later, or whose license lapsed, due to the licensee's spouse's service in the armed forces, shall be eligible for renewal and reinstatement without payment of the late application fee required by division (A)(10) of section 4723.08 of the Revised Code, and the reinstatement fee required by division (A)(15) of section 4723.08 of the Revised Code, if the following are met:
- (1) The licensee presents the board with satisfactory evidence that the licensee did not renew their license because their spouse's military service caused them to be absent from the state of Ohio;
  - (2) The licensee presents the board satisfactory evidence that, not more than six months prior to the date the evidence is submitted to the board, the licensee's spouse was honorably discharged or separated under honorable conditions; and
  - (3) The licensee meets the requirements for license renewal required by section 4723.24 of the Revised Code.
- (C) An advanced practice registered nurse, ~~as defined in paragraph (A) of rule 4723-8-01 of the Administrative Code,~~ who submits a renewal application after September fifteenth or later, or whose license lapsed, due to the licensee's service in the armed forces, shall be eligible for renewal and reinstatement without payment of the late application fee required by division (A)(10) of section 4723.08 of the Revised Code, and the

reinstatement fee required by division (A)(15) of section 4723.08 of the Revised Code, if the following are met:

- (1) The licensee presents the board with satisfactory evidence that, not more than six months prior to the date the evidence is submitted to the board, the licensee was honorably discharged or separated under honorable conditions;
  - (2) The licensee is not suffering a mental or physical impairment that may affect the individual's ability to provide safe care; and
  - (3) The licensee meets the requirements for license renewal required by section 4723.42 of the Revised Code.
- (D) An advanced practice registered nurse, who submits a renewal application after September fifteenth or later, or whose license lapsed, due to the licensee's spouse's service in the armed forces, shall be eligible for renewal and reinstatement without payment of the late application fee required by division (A)(10) of section 4723.08 of the Revised Code, and the reinstatement fee required by division (A)(15) of section 4723.08 of the Revised Code, if the following are met:
- (1) The licensee presents the board with satisfactory evidence that the licensee did not renew their certificate because their spouse's military service caused them to be absent from the state of Ohio;
  - (2) The licensee presents the board satisfactory evidence that, not more than six months prior to the date the evidence is submitted to the board, the licensee's spouse was honorably discharged or separated under honorable conditions; and
  - (3) The licensee meets the requirements for license renewal required by section 4723.42 of the Revised Code.
- (E) A dialysis technician certificate holder, who submits a renewal application on March first or later, or whose certificate lapsed, due to the holder's service in the armed forces, shall be eligible for renewal and reinstatement without payment of the late application fee required by division (A)(10) of section 4723.08 of the Revised Code, and the reinstatement fee required by division (A)(15) of section 4723.08 of the Revised Code, if the following are met:
- (1) The certificate holder presents the board with satisfactory evidence that, not more than six months prior to the date the evidence is submitted to the board, the certificate holder was honorably discharged or separated under honorable conditions;

- (2) The certificate holder is not suffering a mental or physical impairment that may affect the individual's ability to provide safe care; and
  - (3) The certificate holder meets the requirements for certificate renewal required by section 4723.77 of the Revised Code and rule 4723-23-05 of the Administrative Code.
- (F) A dialysis technician certificate holder, who submits a renewal application on March first or later, or whose certificate lapsed, due to the holder's spouse's service in the armed forces, shall be eligible for renewal and reinstatement without payment of the late application fee required by division (A)(10) of section 4723.08 of the Revised Code, and the reinstatement fee required by division (A)(15) of section 4723.08 of the Revised Code, if the following are met:
- (1) The certificate holder presents the board with satisfactory evidence that the certificate holder did not renew their certificate because their spouse's military service caused them to be absent from the state of Ohio;
  - (2) The certificate holder presents the board satisfactory evidence that, not more than six months prior to the date the evidence is submitted to the board, the certificate holder's spouse was honorably discharged or separated under honorable conditions; and
  - (3) The certificate holder meets the requirements for license renewal required by section 4723.77 of the Revised Code and rule 4723-23-05 of the Administrative Code.
- (G) A community health worker certificate holder, who submits a renewal application on April first or later, or whose certificate lapsed due to the holder's service in the armed forces shall be eligible for renewal and reinstatement without payment of the late application fee required by paragraph (C) of rule 4723-26-04 of the Administrative Code and division (A)(10) of section 4723.08 of the Revised Code, and the reinstatement fee required by paragraph (H)(2) of rule 4723-26-04 of the Administrative Code and division (A)(15) of section 4723.08 of the Revised Code if the following conditions are met:
- (1) The certificate holder presents the board with satisfactory evidence that, not more than six months prior to the date the evidence is submitted to the board, the certificate holder was honorably discharged or separated under honorable conditions; and
  - (2) The certificate holder is not suffering a mental or physical impairment that may affect the individual's ability to provide safe care.

- (H) A community health worker certificate holder, who submits a renewal application on April first or later, or whose certificate lapsed, due to the holder's spouse's service in the armed forces shall be eligible for renewal and reinstatement without payment of the late application fee required by paragraph (C) of rule 4723-26-04 of the Administrative Code and division (A)(10) of section 4723.08 of the Revised Code, and the reinstatement fee required by paragraph (H)(2) of rule 4723-26-04 of the Administrative Code and division (A)(15) of section 4723.08 of the Revised Code, if the following are met:
- (1) The certificate holder presents the board with satisfactory evidence that the holder did not renew their certificate because their spouse's military service caused them to be absent from the state of Ohio;
  - (2) The certificate holder presents the board satisfactory evidence that, not more than six months prior to the date the evidence is submitted to the board, the holder's spouse was honorably discharged or separated under honorable conditions; and
  - (3) The certificate holder meets the requirements for certificate renewal required by section 4723.85 of the Revised Code.
- (I) A medication aide certificate holder who submits a renewal application after March first, or whose certificate lapsed due to the holder's service in the armed forces shall be eligible for renewal and reinstatement by paying the renewal fee set forth in paragraph (A)(2) of rule 4723-27-10 of the Administrative Code without payment of the late application fee set forth in paragraph (A)(3) of rule 4723-27-10 of the Administrative Code and division (A)(10) of section 4723.08 of the Revised Code or the reinstatement fee specified in paragraph (A)(4) of rule 4723-27-10 of the Administrative Code, if the following conditions are met:
- (1) The certificate holder presents the board with satisfactory evidence that not more than six months prior to the date the evidence is submitted to the board, the certificate holder was honorably discharged or separated under honorable conditions; and
  - (2) The certificate holder is not suffering a mental or physical impairment that may affect the individual's ability to provide safe care.
- (J) A medication aide certificate holder who submits a renewal application after March first, or whose certificate lapsed, due to the holder's spouse's service in the armed forces shall be eligible for renewal and reinstatement without payment of the late application fee required by paragraph (C) of rule 4723-27-05 of the Administrative Code and division (A)(10) of section 4723.08 of the Revised Code, and the reinstatement fee

required by paragraph (H)(2) of rule 4723-27-05 of the Administrative Code and division (A)(15) of section 4723.08 of the Revised Code, if the following are met:

- (1) The certificate holder presents the board with satisfactory evidence that the holder did not renew their certificate because their spouse's military service caused them to be absent from the state of Ohio;
- (2) The certificate holder presents the board satisfactory evidence that, not more than six months prior to the date the evidence is submitted to the board, the holder's spouse was honorably discharged or separated under honorable conditions; and
- (3) The certificate holder meets the requirements for certificate renewal required by rule 4723-27-05 of the Administrative Code and section 4723.651 of the Revised Code.

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4723-16-07

**Evidence or factors to be considered by the board.**

(A) The board, board hearing committee or hearing examiner shall admit evidence of any prior action taken by the board against respondent. The evidence shall include a copy of the board adjudication order, including all records incorporated within the order, and the notice of opportunity for hearing, or a copy of any consent agreement entered between the board and respondent, including all records incorporated within the consent agreement. The board, board hearing committee or hearing examiner may admit other records related to prior board action against respondent if the evidence offered is:

- (1) To prove notice to respondent that particular conduct was unacceptable;
- (2) To prove a continuing problem justifying harsher discipline than might otherwise be warranted in the case;
- (3) To demonstrate respondent's disregard for compliance with the laws regulating the practice of nursing or for the actions of the board; or
- (4) For purposes of impeachment.

(B) When making a decision regarding disciplinary action, the board shall consider:

- (1) Prior action taken by the board against respondent;
- (2) Respondent's prior completion of the alternative program for substance use disorder~~chemical dependency~~, as set forth in paragraph (C) of rule 4723-6-04 of the Administrative Code, or prior completion of the practice intervention and improvement program, as set forth in paragraph (E) of rule 4723-18-09 of the Administrative Code.

(C) When making a decision regarding disciplinary action, the board may consider factors including, but not limited to, the following:

- (1) Whether the act is willful, intentional, irresponsible, or unintentional;
- (2) Whether the respondent failed to cooperate with the board investigation;
- (3) Whether the respondent provided false, misleading or deceptive information to the board or board staff;
- (4) The frequency of occurrence of the act at issue;
- (5) Whether the act represents a pattern of commissions or omissions;

(6) The outcome of the actions of a licensee or certificate holder; or

(7) The level of harm or potential harm to a patient.

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4723-16-08

**Subpoenas for purpose of hearing.**

- (A) Upon written request, filed at least ~~thirty~~forty-five days before the hearing date, the board shall issue a subpoena for purposes of hearing to compel the attendance and testimony of a witness, or production of books, records or papers, at the hearing. The board, board hearing committee or hearing examiner may approve a subpoena request filed less than thirty days before the hearing date only upon a showing by the requestor of good cause for the short time frame.
- (B) Each subpoena request shall specify the name and address of the individual to be served, or the books, records or papers to be produced and name and address of the person who is to appear at the hearing to produce the books, records or papers. The board shall not be responsible for determining the address of any individual named in a subpoena.
- (C) Unless a subpoena is challenged as described in paragraph (E) of this rule, the board shall issue each subpoena requested within fourteen days of request. Subpoenas shall be directed to the sheriff of the county where the witness resides and returned in the same manner as a subpoena in a criminal case, as specified in section 119.09 of the Revised Code.
- (D) Upon agreement of the parties, the board, board hearing committee or hearing examiner may approve an alternative means of obtaining a witness's testimony, including, but not limited to, affidavit, deposition or testimony by telecommunication.
- (E) Upon written motion filed according to rule 4723-16-04 of the Administrative Code, the board, board hearing committee or hearing examiner may order any subpoena quashed or modified for good cause shown. Good cause may be shown for reasons including but not limited to:
- (1) The total number of subpoenas requested by a party is unreasonable and a showing of necessity has not been made;
  - (2) A subpoena does not provide a reasonable time to comply;
  - (3) A subpoena requires disclosure of information that is privileged or confidential under law and no exception or waiver applies;
  - (4) A subpoena for books, records or papers does not specify dates or time frames or specifies dates or time frames that are unreasonable or not relevant to the incidents described in the notice of opportunity for hearing; or
  - (5) A subpoena subjects a witness to undue burden. For purposes of this rule, the board, board hearing committee or hearing examiner may approve an

alternative means of obtaining a witness's testimony, including but not limited to, affidavit, deposition, or testimony by telephone or other means of telecommunication. If no reasonable means can be used to alleviate an undue burden on a witness, the board, board hearing committee or hearing examiner may quash the subpoena. A finding of an undue burden requires the showing of an extraordinary hardship that is more than the usual and expected inconvenience of attending a hearing. In considering whether a burden is undue, the board, board hearing committee or hearing examiner shall consider the magnitude of the burden on the witness and the materiality of the witness's testimony.

- (F) In the event the number of subpoenas requested appears to be unreasonable, the board hearing committee or hearing examiner may require a showing of necessity for the witnesses or records, and in the absence of such showing, may limit the number of subpoenas.
- (G) At any point after a hearing has begun, the board, board hearing committee or hearing examiner may order that a subpoena be issued to compel the attendance and testimony of a witness or production of books, records or papers.

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4723-16-09

**Ex parte communication.**

- (A) No representative of record shall communicate with a board member or hearing examiner concerning a pending adjudication without the participation of the opposing representative of record, unless the communication relates solely to a procedural matter.
- (B) No board member or hearing examiner shall engage in communication with or on behalf of any representative of record without the participation of the opposing representative of record, unless the communication relates to a procedural matter.
- (C) A board member or hearing examiner shall disclose to the representatives of record and members of the board, any communication or attempted communication that appears to violate paragraph (A) or (B) of this rule. Such disclosure shall be made prior to the completion of deliberations on the pending adjudication.

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4723-16-13

**Authority and duties of board hearing committee or hearing examiners.**

- (A) Adjudication hearings may be conducted before the board, a board hearing committee or a hearing examiner appointed by the board.
- (B) The hearing examiner shall be licensed to practice law in Ohio and may be an employee of the board or an independent contractor.
- (C) The board hearing committee shall be composed of at least three board members, and one or more alternates, appointed by the board at a public meeting, to serve for a term of one year. One board hearing committee member shall preside and be responsible for conduct of the hearing. The presiding board member shall also be responsible for approving the report and recommendation discussed in paragraph (H) of this rule. The board hearing committee may request advice on legal questions from a staff attorney employed by the board, or an attorney with whom the board contracts as a hearing examiner, related to procedural or evidentiary questions or in preparation of the report and recommendation. This legal consultation shall not be deemed an ex parte communication.
- (D) All hearings shall be open to the public, but the board hearing committee or hearing examiner conducting a hearing may close the hearing to the extent necessary to protect compelling interests or to comply with statutory requirements. In the event this occurs, the board hearing committee or hearing examiner shall state on the public record the reasons for closing the hearing.
- (E) If the hearing examiner or board hearing committee determines that permitting broadcasting, televising, recording or the taking of photographs in the hearing room would not distract participants, impair the dignity of the proceedings, violate patient confidentiality or otherwise materially interfere with the achievement of a fair administrative hearing, the broadcasting, televising, recording or taking of photographs during hearing proceedings open to the public may be permitted under the following conditions and upon request:
- (1) Requests for permission for the broadcasting, televising, recording or taking of photographs in the hearing room shall be made in writing and submitted to the hearing examiner or board hearing committee prior to the start of the hearing, and shall be made part of the record of the proceedings;
  - (2) Written permission is granted prior to the start of the hearing by the hearing examiner or board hearing committee and is made part of the record of the proceedings;

- (3) The filming, videotaping, recording or taking of photographs of witnesses who object shall not be permitted; and
  - (4) Any film, video, photograph or audio recording created during a hearing, except for an audio recording made by the court reporter hired by the board to prepare the stenographic hearing record, shall not be part of the record of the proceeding.
- (F) The board hearing committee or hearing examiner shall conduct hearings so as to prevent unnecessary delay, maintain order and ensure the development of a clear record. The authority of the board hearing committee or hearing examiner conducting a hearing includes, but is not limited to, the following:
- (1) Administering oaths or affirmations;
  - (2) Ordering that subpoenas be issued or that depositions in lieu of live testimony be conducted;
  - (3) Examining witnesses and directing witnesses to testify;
  - (4) Making rulings on admissibility of evidence;
  - (5) Making rulings on procedural motions, whether such motions are oral or written;
  - (6) Holding prehearing conferences, as discussed in rule 4723-16-05 of the Administrative Code;
  - (7) Requesting briefs, before, during or after a hearing;
  - (8) Issuing scheduling orders for exchange of documents and filing deadlines;
  - (9) Determining the order of the hearing;
  - (10) Requiring or disallowing oral or written opening statements and closing arguments;
  - (11) Consolidating two or more matters involving the same respondent into one hearing;
  - (12) Preparing entries, proposed findings, and reports and recommendations to the board, as discussed in paragraph (H) of this rule; and
  - (13) Based upon a conflict in schedule, complexity of the issues involved, or for reasons of administrative efficiency, the board hearing committee may reassign

the matter to a hearing examiner, or a hearing examiner may reassign to another hearing examiner or to the board hearing committee.

- (G) The board hearing committee or hearing examiner may recommend in the report and recommendation that factual or legal allegations set forth in the notice of opportunity for hearing issued to respondent be dismissed, however, the authority of the board hearing committee or hearing examiner does not include authority to grant motions for dismissal of, or to otherwise dismiss, factual or legal allegations, or to modify, compromise or settle factual or legal allegations.
- (H) Within one hundred twenty days of the date an adjudication hearing is closed, the board hearing committee or hearing examiner assigned to the case shall submit a written report to the board setting forth the proposed findings of fact and conclusions of law, or in the case of the board hearing committee, conclusions, and a recommendation of action to be taken by the board. A copy of the written report shall be mailed by certified mail to representatives of record for both parties. Either party may, within ten days of receipt of the report and recommendation, file written objections. Written objections, if filed in a timely manner, shall be considered by the board in determining whether to approve, modify or reject the report and recommendation.
- (I) At a board meeting scheduled after the time for filing objections to a report and recommendation has passed, the board may approve, modify or reject the report and recommendation of the board committee or hearing examiner. Members of the board hearing committee that heard a case shall abstain from voting on a matter heard as members of the board hearing committee.

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4723-17-01            **Definitions.**

For the purposes of this chapter, the following definitions shall apply:

- (A) "Adult" means anyone who is eighteen years of age or older.
- (B) "Antibiotic" means a medication, including an anti-infective or anti-fungal, administered to inhibit the growth of, or destroy, microorganisms in the treatment or prevention of infectious disease.
- (C) "Direction" means communication of a plan of care, based upon assessment of the ~~client~~patient by the registered nurse, or licensed physician, physician assistant, dentist, optometrist, or podiatrist, that establishes the parameters for providing care or performing a procedure. Unless otherwise provided by law, the registered nurse, or licensed physician, dentist, optometrist, or podiatrist shall be available on site to assess and evaluate the ~~client's~~patient's response to the plan of care.
- (D) "Initiate" means to start or to begin.
- (E) "Maintain" means to administer or regulate an intravenous infusion according to the prescribed flow rate.
- (F) "Piggyback" means an intermittent or secondary intravenous infusion.
- (G) "OBN Approver" has the same meaning as in paragraph ~~(J)~~(N) of rule 4723-14-01 of the Administrative Code.

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4723-17-03

**Intravenous therapy procedures.**

- (A) Except as provided in paragraph (B) of this rule, a licensed practical nurse shall not perform any of the following intravenous therapy procedures:
- (1) Initiate or maintain any of the following:
    - (a) Blood or blood components;
    - (b) Solutions for total parenteral nutrition;
    - (c) Cancer therapeutic medications including, but not limited to, cancer chemotherapy or an anti-neoplastic agents;
    - (d) Investigational or experimental medications;
    - (e) Solutions administered through any central venous line or arterial line or any other line that does not terminate in a peripheral vein, except as provided in paragraph (B)(1) of this rule;
    - (f) An intravenous piggyback infusion, except as provided in paragraph (B)(3) of this rule.
  - (2) Discontinue a central venous, arterial, or any other line that does not terminate in a peripheral vein;
  - (3) Initiate or discontinue a peripherally inserted central catheter, or any catheter that is longer than three inches;
  - (4) Program or set any function of a patient controlled analgesic;
  - (5) Mix, prepare or reconstitute any medication for intravenous therapy, except as provided in paragraph (B)(4) of this rule;
  - (6) Administer medications by an intravenous route, except as provided in paragraph (B)(3) of this rule;
  - (7) Inject medications by a direct intravenous route, except as provided in paragraph (B)(5) of this rule;
  - (8) Change tubing on an arterial line, a central venous line, or on any line that does not terminate in a peripheral vein;
  - (9) Change an intermittent infusion device, unless the tip of the connected intravenous catheter terminates in a peripheral vein.

(B) A licensed practical nurse authorized by the board to perform intravenous therapy procedures, may perform the following procedures only for individuals aged eighteen or older and only when directed to do so by a licensed physician, physician assistant, dentist, optometrist, podiatrist, or registered nurse in accordance with section 4723.18 of the Revised Code:

- (1) Administer the following solutions, or combinations of the solutions, through a venous line:
  - (a) Five per cent dextrose and water;
  - (b) Five per cent dextrose and lactated ringers;
  - (c) Five per cent dextrose and normal saline;
  - (d) Normal saline;
  - (e) Lactated ringers;
  - (f) 0.45 per cent sodium chloride and water;
  - (g) 0.2 per cent sodium chloride and water; or
  - (h) 0.3 per cent sodium chloride and water.
- (2) Administer any of the solutions set forth in paragraph (B)(1) of this rule that contain vitamins or electrolytes after a registered nurse initiates the first infusion of the solution containing vitamins or electrolytes.
- (3) Initiate or maintain an intermittent or secondary intravenous infusion containing an antibiotic;
- (4) Prepare or reconstitute an antibiotic additive to be administered through an intravenous infusion;
- (5) Inject heparin or normal saline to flush an intermittent infusion device or heparin lock, including, but not limited to, bolus or push;
- (6) Change tubing on an intermittent infusion device and on an intravenous line if the line terminates in a peripheral vein;
- (7) Place a venous access catheter, no longer than three inches in length, in the hand, forearm or antecubital space, followed by the placement of a saline or heparin lock, either for purposes of intermittent infusions, or to initiate infusions of any of the solutions set forth in paragraph (B)(1) of this rule; or

- (8) Stop an infusion of blood or blood component, or turn off the function of a patient-controlled analgesic device when a complication arises.
- (C) A licensed practical nurse authorized by the board to perform intravenous therapy procedures may perform the procedures set forth in paragraph (B) of this rule only if one of the following requirements are met:
- (1) The licensed practical nurse is directed to perform intravenous therapy by a licensed physician, physician assistant, dentist, optometrist, or podiatrist who is present and readily available at the facility where the intravenous therapy procedure is performed;
  - (2) The licensed practical nurse is directed to perform intravenous therapy by a registered nurse who has personally performed an on-site assessment of the individual to receive intravenous therapy, and that registered nurse or another registered nurse is readily available at the site where the intravenous therapy procedure is performed; or
  - (3) If the intravenous therapy procedures are performed in a home as defined in section ~~3721.01~~ ~~3721.10~~ of the Revised Code, or in an intermediate care facility for individuals with intellectual disabilities as defined in section 5124.01 of the Revised Code, a registered nurse who directs the authorized licensed practical nurse to perform intravenous therapy is either:
    - (a) On the premises of the home or facility; or
    - (b) Accessible by some form of telecommunication.
- (D) A licensed practical nurse may perform any of the intravenous therapy procedures specified in paragraph (E) of this rule without receiving authorization to perform intravenous therapy from the board of nursing under section 4723.18 of the Revised Code, if both of the following apply:
- (1) The licensed practical nurse acts at the direction of a registered nurse or a licensed physician, physician assistant, dentist, optometrist, or podiatrist and the registered nurse, physician, dentist, optometrist, or podiatrist is on the premises where the procedure is to be performed or accessible by some form of telecommunication; and
  - (2) The licensed practical nurse can demonstrate the knowledge, skills, and ability necessary to perform the procedure safely.
- (E) The intravenous therapy procedures that a licensed practical nurse may perform in accordance with paragraph (D) of this rule are limited to the following:

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

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4723-17-05

**Standards for intravenous therapy continuing education course personnel.**

- (A) An application for approval of a faculty-directed continuing education intravenous therapy course must demonstrate that the person submitting the continuing education course for approval:
- (1) Holds a current, valid Ohio license as a registered nurse;
  - (2) Possesses a baccalaureate degree with a major in nursing;
  - (3) Has a minimum of two years experience in the practice of nursing as a registered nurse; and
  - (4) Has formal education or practical experience in adult education.
- (B) Except as provided in paragraph (C) of this rule, the minimum faculty qualifications for teaching a continuing education course in intravenous therapy for a licensed practical nurse are:
- (1) Completion of a board-approved registered nursing education program, or a registered nursing education program approved by another national council of state boards of nursing jurisdiction;
  - (2) A current, valid Ohio license to practice nursing as a registered nurse; and
  - (3) A minimum of two years experience in the practice of nursing as a registered nurse that includes substantial direct clinical experience in intravenous therapy.
- (C) A licensed health care professional who is not a registered nurse may teach a portion of the intravenous therapy continuing education course provided:
- (1) The licensed health care professional teaches at the direction of a registered nurse instructor; and
  - (2) The licensed health care professional teaches information that is consistent with the professional's educational preparation and licensed scope of practice.

Effective:

Five Year Review (FYR) Dates: 10/11/2019

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: ORC 4723.01  
Rule Amplifies: ORC 4723.18, 4723.19  
Prior Effective Dates: 04/01/1993, 02/01/2000, 02/01/2005, 02/01/2010

4723-17-06

**Minimum curriculum requirements.**

~~According to division (A)(4)(a) of section 4723.18 of the Revised Code, the~~ The minimum curriculum for an a continuing education course in intravenous therapy, required by section 4723.19 of the Revised Code, course for licensed practical nurses shall be a course that:

(A) Shall include ~~Is composed of a minimum of forty hours of instruction that includes,~~ but is not limited to, the following components:

- (1) Policies and procedures of both the Ohio board of nursing and the employing agency relating to intravenous therapy and accountability and responsibility of the licensed practical nurse in the performance of limited intravenous therapy procedures;
- (2) Support and psychological preparation for the individual receiving intravenous therapy as well as the family members and significant others;
- (3) Anatomy and physiology of the peripheral veins used for venipuncture;
- (4) Procedure for venipuncture, collection of equipment, site selection, palpation of veins, and skin preparation;
- (5) Procedures for adding intravenous solutions to existing infusions, hanging intravenous solutions, changing intravenous tubing, performing intravenous dressing changes and flushing and converting peripheral intermittent infusion devices;
- (6) Relationships between intravenous therapy and the body's homeostatic and regulatory functions;
- (7) Signs and symptoms of local and systemic complications in the administration of fluids and guidelines for management of these complications as well as preventive measures;
- (8) Identification of various types of equipment used in administering intravenous therapy with content related to criteria for use of each and means of troubleshooting for malfunction;
- (9) Formulas used to calculate flow rate;
- (10) Principles and practices of prevention of disease transmission, as set forth in Chapter 4723-20 of the Administrative Code, and as related to intravenous therapy;
- (11) Glossary of common terminology pertinent to intravenous therapy;

- (12) Documentation of intravenous therapy procedures;
  - (13) Demonstration of successful application of knowledge and skills to clinical practice by skills testing at least all of the components included in paragraphs (A)(8) and (A)(9) of this rule.
  - (14) A review of Chapter 4723. of the Revised Code and the rules of the board with respect to the role, accountability, and responsibility of the licensed practical nurse in intravenous therapy;
  - (15) Anatomy and physiology of the cardiovascular system as related to homeostasis;
  - (16) Anatomy and physiology of the respiratory system as related to homeostasis;
  - (17) Signs and symptoms of local and systemic complications in the administration of antibiotics;
  - (18) Guidelines for the management of complications arising from the intravenous administration of antibiotics;
  - (19) Procedures for reconstituting and administering intravenous antibiotics via piggyback that include, but are not limited to, pharmacology, compatibilities, and flow rates;
  - (20) Procedures for maintaining a central line for infusing only the solutions specified in section 4723.18 of the Revised Code;
  - (21) A review of prohibited practices as set forth in section 4723.18 of the Revised Code; and
  - (22) A review of the role of the registered nurse, licensed physician, dentist, optometrist, or podiatrist who is directing the licensed practical nurse to perform an intravenous therapy procedure with reference to how the role may differ depending upon the setting in which the intravenous therapy is being provided.
- (B) Provides an opportunity to the nurses to develop proficiency in limited intravenous therapy procedures and related nursing care. Practice of all skill components and skills testing shall be done in either supervised clinical practice or while supervised in the laboratory.

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Prior Effective Dates: 04/01/1993, 02/01/2000, 02/01/2005, 02/01/2008,  
02/01/2010, 02/01/2015

4723-17-07            **Proof of completion of an approved course in intravenous therapy.**

[Comment: Information regarding the availability and effective date of the materials incorporated by reference in this rule can be found in paragraph (G) of rule 4723-1-03 of the Administrative Code.]

- (A) In order to be approved or reapproved as a faculty-directed intravenous therapy continuing educational activity, in addition to the requirements contained in Chapter 4723-14 of the Administrative Code, an applicant for approval, or a provider seeking re-approval, shall have and implement written policies addressing the following:
- (1) The level of achievement that a nurse must maintain in order to successfully complete the course in intravenous therapy and to obtain proof of completion of the course;
  - (2) Periodic evaluation of the nurse's progress in the course by an instructor of the course;
  - (3) A testing component that measures a nurse's competency related to intravenous therapy;
  - (4) A process for issuing a certificate of completion to nurses who have successfully completed the approved intravenous therapy course; and
  - (5) Submission of an "Application to Perform IV Therapy in Ohio as a LPN and Certification of CE Course Completion" to the board, ~~on a form provided by the board located <http://www.nursing.ohio.gov/forms.htm> (revised 2013), of documentation~~documenting of each nurse's completion of the approved intravenous therapy course.
- (B) Upon receiving satisfactory documentation that a licensed practical nurse has successfully complete an approved intravenous therapy course, the board shall approve such nurse as authorized to provide intravenous therapy.
- (C) When a licensed practical nurse who has been licensed by endorsement in Ohio provides documentation satisfactory to the board of having successfully completed an intravenous therapy course in another state that substantially meets the requirements of this chapter, the board may approve such nurse as authorized to provide intravenous therapy. ~~The board may require, prior to approval, that the nurse successfully complete a continuing education activity that includes course content covering Chapter 4723. of the Revised Code, and the rules of the board related to the role, accountability and responsibility of the licensed practical nurse in intravenous therapy.~~

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Date

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Prior Effective Dates: 04/01/1993, 12/01/1993, 04/01/1994, 02/01/2000,  
02/01/2005, 02/01/2010, 02/01/2015

4723-25-02            **Definitions.**

For purposes of this chapter, the following definitions apply:

- (A) "Nurse education program" means a prelicensure nurse education program approved by the board of nursing under section 4723.06 of the Revised Code, or a postlicensure nurse education program approved by the board of regents under section 3333.04 of the Revised Code.
- (B) "Health care facility" means:
- (1) A hospital registered under section 3701.07 of the Revised Code;
  - (2) A nursing home licensed under section 3721.02 of the Revised Code, or by a political subdivision certified under section 3721.09 of the Revised Code;
  - (3) A county home or a county nursing home as defined in section 5155.31 of the Revised Code that is certified under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, amended;
  - (4) A freestanding dialysis center;
  - (5) A freestanding inpatient rehabilitation facility;
  - (6) An ambulatory surgical facility;
  - (7) A freestanding cardiac catheterization facility;
  - (8) A freestanding birthing center;
  - (9) A freestanding or mobile diagnostic imaging center;
  - (10) A freestanding radiation therapy center.
- (C) "Partnership" means a written agreement between a nurse education program and one or more health care facilities, community health agencies, patient centered medical homes or other education programs, that is signed by the legal signatory for each party and that shows how the partnership will increase the enrollment capacity of the nurse education program or programs.
- (D) "Community health agency" means any program or agency that provides or contracts to provide health care services and is not a health care facility as defined in paragraph (B) of this rule.
- (E) "Board" means the Ohio board of nursing.

(F) "Nurse education grant program" means the program established in division (B) of section 4723.063 of the Revised Code.

(G) "Faculty and instructional personnel" means:

- (1) For prelicensure nursing education programs, persons who satisfy the standards for faculty and instructional personnel as set forth in rules 4723-5-10 and 4723-5-11 of the Administrative Code; or
- (2) For postlicensure nursing education programs, persons who satisfy standards established by the credentialing organization that accredits the program in accordance with paragraph (H) of this rule.

(H) "Education program" means a program approved or accredited by any of the following:

- (1) The Ohio board of nursing under section 4723.06 of the Revised Code;
- (2) ~~The Ohio board of regents~~ chancellor of higher education under section 3333.04 of the Revised Code;
- (3) The Ohio department of education under section 3313.90 of the Revised Code;
- (4) The state board of career colleges and schools under section 3332.05 of the Revised Code;
- (5) The higher learning commission of the north central association of colleges and schools;
- (6) The accrediting council for independent colleges and schools; or
- (7) Any other national or regional post-secondary education accreditation entity recognized by the board.

(I) "Grantee" means a nurse education program to which the board has awarded a grant from the nurse education grant program.

(J) "Administrator of the program" has the same meaning as set forth in paragraph (A) of rule 4723-5-01 of the Administrative Code.

(K) "Patient centered medical home" is an advanced model of primary care in which care teams attend to the multifaceted needs of patients, providing whole person comprehensive and coordinated patient centered care.

(L) "Preceptor" has the same meaning as set forth in paragraph ~~(X)~~(CC) of rule 4723-5-01 of the Administrative Code.

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Rule Amplifies: 4723.063  
Prior Effective Dates: 02/01/2005, 02/01/2010, 02/01/2014, 02/01/2015

4723-25-03

**Fund balance.**

The board may recommend that the office of budget and management retain a percentage of money, which the office of budget and management determines to be fiscally responsible, in the nurse education grant program fund that it maintains to accomplish the goals of the nurse education grant program established ~~established~~ in section 4723.063 of the Revised Code.

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Prior Effective Dates:	02/01/2005, 02/01/2010

4723-25-06

**Eligibility criteria for funding consideration.**

[Comment: Information regarding the availability and effective date of the materials incorporated by reference in this rule can be found in paragraph (G) of rule 4723-1-03 of the Administrative Code.]

To be eligible for consideration to receive nurse education program grant funds, all of the following must be satisfied:

- (A) Applicant is a nurse education program as defined in division (A)(2) of section 4723.063 of the Revised Code and this chapter;
- (B) Applicant has entered into a partnership with one or more health care facilities, community health agencies, patient centered medical homes, or other education programs that will result in increased enrollment capacity in the applicant's nurse education program or programs;
- (C) Applicant has submitted ~~to the board~~ a completed "NEGP RFP" form, discussed in rule 4723-25-09 of the administrative code, by the proposal deadline date ~~a completed proposal on the form required by the board, located at <http://www.nursing.ohio.gov/forms.htm> (revised February 2013), that includes all of the information and attachments the board requires to evaluate the ability of the applicant to increase its enrollment capacity if the grant proposal is approved for funding.~~

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Rule Amplifies: ORC 4723.063  
Prior Effective Dates: 02/01/2005, 02/01/2010, 02/01/2014

4723-25-07

**Publication of notice for requests for proposals.**

- (A) Not less than thirty days prior to issuing a request for proposals, the board shall, by regular or electronic mail, provide notice of the issuance of a request for proposals to the administrator of all nurse education programs approved by the board under section 4723.06 of the Revised Code, or approved by the ~~board of regents~~ chancellor of higher education under section 3333.04 of the Revised Code.
- (B) In addition to the notice required in paragraph (A) of this rule, the board shall also post notice of the issuance of the request for proposals on the board's website, distribute electronic notice to all persons included on the board's electronic subscriber list, and mail notice to any persons who do not have access to electronic mail but who have requested to be placed on a courtesy mailing list maintained by the board.

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Rule Amplifies: ORC 4723.063  
Prior Effective Dates: 02/01/2005, 02/01/2010

4723-25-09

**Grant proposal form.**

[Comment: Information regarding the availability and effective date of the materials incorporated by reference in this rule can be found in paragraph (G) of rule 4723-1-03 of the Administrative Code.]

- (A) Grant ~~applicants~~ proposals shall be submitted a "NEGP RFP" form to be considered for the nurse education grant program ~~on the form required by the board, located at <http://www.nursing.ohio.gov/forms.htm>~~ (revised February 2013).
- (B) Information to be provided in the proposal shall be consistent with the request for proposal issued by the board and shall at minimum include the following:
- (1) Specifics\_ as to how the requested grant funds will allow the nurse education program to increase its enrollment capacity and the specific role to be played by the health care facility, community health agency, or other education program with which it has entered a partnership;
  - (2) The name of the administrator of the program employed by, or under contract with, the nurse education program who will be principally responsible for the grant and his or her academic and professional credentials;
  - (3) A projection of the amount that the nurse education program's enrollment capacity will be increased as a result of the grant;
  - (4) A detailed description of how the proposal is consistent with the standards for nurse education programs set forth in Chapter 4723-5 of the Administrative Code;
  - (5) Any faculty or instructional personnel positions to be supported with funds from the grant and how they will directly contribute to increasing the enrollment capacity of the nurse education program;
  - (6) Type and uses of any equipment requested to be leased or purchased with funds from the grant and how it will directly contribute to increasing the enrollment capacity of the nurse education program;
  - (7) If an applicant is a postlicensure nursing education program, how it will increase the number of faculty and instructional personnel to serve as educators in nurse education programs;
  - (8) How the program will maintain the increased enrollment capacity in a nurse education program following conclusion of the grant funding cycle;

- (9) Other sources of funding, if any, that will be used to support efforts by the nurse education program and its partnership to increase the enrollment capacity of the program; and
  - (10) How grant funds will be accounted for separately from other sources of funding received by the nurse education program.
- (C) Grant proposals that are received by the board after the proposal deadline date will not be considered for funding during the grant cycle for which they were submitted. A nurse education program submitting a late proposal may resubmit a grant request in a subsequent grant cycle according to standards set forth in the subsequent request for proposals.

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4723-25-15

**Grantee reporting requirements.**

[Comment: Information regarding the availability and effective date of the materials incorporated by reference in this rule can be found in paragraph (G) of rule 4723-1-03 of the Administrative Code.]

(A) ~~The administrator of a~~Each grantee nurse education program shall submit the following ~~an annual~~ reports to the board according to the schedule determined by the board that identify how the grant funds were used to increase the enrollment capacity of the program for each year of the grant funding cycle. Annual reports shall comply with all of the following:

(1) "NEGP Annual Report Year 1", for the first year of the grant funding cycle~~Be~~ completed by the administrator of the program;

(2) "NEGP Annual Report Year 2" for the second year of the grant funding cycle~~Be submitted on the form required by the board, located at <http://www.nursing.ohio.gov/forms.htm> (effective 2014); and~~

~~(3) Be according to the schedule determined by the board; and~~

~~(4)~~(3) "NEGP Quarterly Progress Report" form. Identify how the grant funds were used to increase the enrollment capacity of the program.

~~(B) In addition to the annual report required in paragraph (A) of this rule, the administrator of the grantee nurse education program shall submit progress reports or periodic supplemental reports on the forms required by the board, located at <http://www.nursing.ohio.gov/forms.htm> (effective 2014), and complete questionnaires or other documents during each year of the grant funding cycle as requested by the board.~~

~~(E)~~(B) At any time during the grant funding cycle the board may require that the grantee provide additional information or undergo an independent audit of the grant funds and how funds are being administered by the nurse education program or its partner health care facility, community health agency, or other education program.

(1) Any independent audits requested by the board shall be paid for by the grantee nurse education program.

(2) Grant funds shall not be used to pay the expenses of an independent audit requested by the board in accordance with this paragraph.

~~(D)~~(C) All grant funds shall be administered and accounted for using generally accepted accounting principles.

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Certification

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Statutory Authority: ORC 4723.063  
Rule Amplifies: ORC 4723.063  
Prior Effective Dates: 02/01/2005, 02/01/2010, 02/01/2015

4723-26-02

**Community health worker certification.**

[Comment: Information regarding the availability and effective date of the materials incorporated by reference in this rule can be found in paragraph (G) of rule 4723-1-03 of the Administrative Code.]

- (A) To obtain a certificate to practice as a community health worker, an applicant who meets the qualifications set forth in division (A) of section 4723.84 of the Revised Code shall:
- (1) Submit a completed "Community Health Worker Application"~~application on the form required by the board, located at <http://www.nursing.ohio.gov/forms.htm> (revised October 2013);~~
  - (2) Submit an application fee of thirty-five dollars; and
  - (3) In accordance with division (A) of section 4723.091 of the Revised Code, submit a request to the bureau of criminal identification and investigation for a criminal records check. The results of the criminal records check shall:
    - (a) Be received by the board before a certificate can be issued; and
    - (b) Indicate that the individual has not been convicted of, pled guilty to, or had a judicial finding of guilt for any violation set forth in section 4723.092 of the Revised Code.
- (B) The board shall issue a certificate to practice as a community health worker to applicants who satisfy the requirements of paragraph (A) of this rule, after receipt of written notice from a community health worker training program approved by the board that the applicant has successfully completed the program, and that the applicant is competent to provide care as a community health worker.
- (C) If an applicant fails to meet the requirements for certification within one year from the time the board receives the application, the application shall be considered void and the fee shall be forfeited. The application shall state the circumstances under which this forfeiture may occur.
- (D) A community health worker certificate shall be considered current until the next scheduled renewal period for a certified community health worker. When a certificate is issued on or after January first of an odd numbered year, that certificate shall be considered current through March thirty-first of the next odd-numbered year.

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Certification

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Statutory Authority: ORC 4723.88  
Rule Amplifies: ORC 4723.81, 4723.83, 4723.84  
Prior Effective Dates: 02/01/2005, 02/01/2010, 02/01/2014

4723-26-04

**Renewal of community health worker certificate.**

[Comment: Information regarding the availability and effective date of the materials incorporated by reference in this rule can be found in paragraph (G) of rule 4723-1-03 of the Administrative Code.]

- (A) The board shall provide on-line access to a "Community Healthworker Renewal Application"~~renewal application, located at <http://www.nursing.ohio.gov/forms.htm> (revised January 2013)~~, to every holder of a current, valid certificate, except when the board is aware that the individual may be ineligible for certificate renewal for any reason, including those reasons set forth in section 4723.092 of the Revised Code. Failure of the certificate holder to receive an application for renewal from the board does not excuse the certificate holder from the requirements of section 4723.85 of the Revised Code and this chapter, except as provided in section 5903.10 of the Revised Code.
- (B) To renew a certificate to practice as a community health worker a holder of a current, valid certificate shall:
- (1) } Submit a a completed on-line "Community Healthworker Renewal Application"~~completed renewal application on the form required by the board, located at <http://www.nursing.ohio.gov/forms.htm> (revised January 2013)~~;
  - (2) Submit a renewal fee of thirty-five dollars; and
  - (3) Meet the continuing education requirements set forth in rule 4723-26-05 of the Administrative Code.
- (C) If a completed renewal application is not submitted on-line~~postmarked, renewed on-line, or otherwise received by the board~~ on or before March first of each odd numbered year, the application shall be considered late and a late fee of fifty dollars shall be imposed in addition to the thirty-five dollar renewal fee.
- (D) A certificate holder with a current, valid certificate may request that theis or her certificate be placed on inactive status at any time by submitting to the board a written statement or electronic request asking that the certificate be placed on inactive status.:
- (1) ~~At the time of renewal, by checking the appropriate box on the renewal application that indicates the certificate holder wants to place the certificate on inactive status; or~~
  - (2) ~~At any time, by submitting to the board a written statement requesting that the certificate be placed on inactive status.~~

(E) ~~The board may reactivate an inactive certificate if an individual submits to the board all of the following~~ To reactivate an inactive certificate or reinstate a lapsed certificate the certificate holder must submit:

- (1) ~~A completed "Community Healthworker Reactivation and Reinstatement Application" including all required documentation; Written notice requesting reactivation of the inactive certificate on the form required by the board;~~
- (2) A reactivation fee in the amount of thirty-five dollars; and
- (3) ~~Verification of completion of Documentation satisfactory to the board of having completed the continuing education requirements for renewal of a community health worker certificate as provided in accordance with~~ in rule 4723-26-05 of the Administrative Code.

(F) A certificate holder who has placed a community health worker certificate on inactive status is not required to pay a renewal fee unless the holder seeks to reactivate the certificate. If the certificate holder placed a certificate on inactive status after March second of the year in which the certificate was to be renewed, and notifies the board on or before March thirty-first of the same renewal year of the intent to reactivate, the certificate holder must still pay the late processing fee required by paragraph (C) of this rule.

(G) If a certificate to practice as a community health worker is not renewed by March thirty-first of each odd numbered year and the certificate holder has failed by that time to request that the certificate be placed on inactive status, the certificate will lapse.

~~(H) The board may reinstate a lapsed certificate to practice as a community health worker if the individual submits to the board all of the following:~~

- ~~(1) A written request for reinstatement on the form required by the board, located at <http://www.nursing.ohio.gov/forms.htm> (revised 2013);~~
- ~~(2) Payment of the thirty-five dollar renewal fee plus a lapsed fee of one hundred dollars; and~~
- ~~(3) Documentation satisfactory to the board of having completed the continuing education requirements for renewal as provided in rule 4723-26-05 of the Administrative Code.~~

~~(I)~~ (II) When a community health worker certificate is inactive or lapsed, the individual shall not represent or imply to the public that he or she is certified by the board as a community health worker.

- ~~(H)~~(I) An individual who continues to represent to the public that he or she is a certified community health worker during the time that his or her certificate is inactive or lapsed, may be subject to disciplinary action by the board in accordance with rule 4723-26-11 of the Administrative Code.
- ~~(K)~~(J) A community health worker certificate holder who is a service member or veteran, as defined in rule 4723-2-01 of the Administrative Code, or who is the spouse or surviving spouse of a service member or veteran, may be eligible for a waiver of the late application fee and the reinstatement fee according to rule 4723-2-03 of the Administrative Code.

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4723-26-05

**Continuing education requirements.**

[Comment: Information regarding the availability and effective date of the materials incorporated by reference in this rule can be found in paragraph (G) of rule 4723-1-03 of the Administrative Code.]

- (A) Except in the case of the first renewal of a current, valid certificate to practice as a community health worker, to be eligible to renew a certificate, a community health worker shall complete fifteen contact hours of continuing education during each renewal period. For each reporting period, at least one of the required hours of continuing education must be directly related to Chapter 4723. of the Revised Code and the rules of the board in Chapters 4723-1 to 4723-27 of the Administrative Code. To qualify as continuing education directly related to Chapter 4723. of the Revised Code and the rules of the board, the continuing education must be approved by an OBN approver, or offered by an OBN approved provider unit headquartered in the state of Ohio. For each reporting period, at least one of the required hours of continuing education must be directly related to establishing and maintaining professional boundaries. This requirement applies to the reporting period set forth in paragraph (B) of this rule.
- (B) A community health worker who requests that the certificate to practice as a community health worker be placed on inactive status shall not be required to meet the continuing education requirement for the period of time the certificate is on inactive status. To reactivate the certificate the community health worker shall complete fifteen hours of continuing education that meet the requirements as set forth in paragraph (A) of this rule, during the twenty-four months immediately prior to the application for reactivation.
- (C) The holder of a lapsed certificate shall complete fifteen hours of continuing education that meet the requirements of paragraph (A) of this rule during the twenty-four months immediately prior to the application for reinstatement of the certificate.
- (D) A community health worker shall verify completion of the continuing education required by this rule on the "Community Health Worker Renewal Application" or "Community Health Worker Reactivation and Reinstatement Application"~~application~~ for certificate renewal, reactivation or reinstatement, provided by the board, and at the discretion of the board, may be required to show proof of completion of the approved continuing education. Failure to verify or provide proof of completion shall result in ineligibility to renew, reactivate or reinstate a certificate until proof of completion of the continuing education requirements is provided to the board.

- (E) A community health worker who earns more than the number of contact hours of continuing education required for a single reporting period cannot apply the excess hours to satisfy future continuing education requirements.
- (F) A community health worker who is ineligible to renew or reinstate a certificate due to failure to meet the continuing education requirements, may be required to show completion of up to thirty contact hours of continuing education, that meets the requirements of this rule, before their certificate is renewed or reinstated by the board. The continuing education shall be obtained within the forty-eight months immediately prior to the application for renewal or reinstatement.
- (G) A community health worker may use a waiver to satisfy the continuing education requirement only one time, and must notify the board in writing requesting the waiver. Once requested the waiver cannot be rescinded and use of the waiver shall be documented on the community health worker's certification record.
- (H) The calculation of contact hours based on credit hours earned in an academic institution shall be made according to paragraph (B) of rule 4723-14-04 of the Administrative Code.
- (I) Educational activities that satisfy the requirements of this rule are the same as those set forth in rule 4723-14-05 of the Administrative Code.
- (J) The board may conduct a retrospective audit of any holder of a certificate to practice as a community health worker to determine compliance with this rule. The audit shall be conducted according to rule 4723-14-07 of the Administrative Code. A community health worker shall retain proof of completion of approved continuing education for a period of six years.
- (K) A community health worker certificate holder who is engaged in active military duty may be eligible for an extension of time to complete continuing education as provided in rule 4723-2-04 of the Administrative Code.

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4723-26-12

**Standards for community health worker training programs.**

(A) To be approved by the board in accordance with division (G) of section 4723.88 of the Revised Code, a community health worker training program shall employ or contract with a person to serve as program administrator. Such person shall meet one of the following criteria:

(1) Hold a license or certificate to practice as one of the following health care professionals:

- (a) A dentist licensed under Chapter 4715. of the Revised Code;
- (b) A nurse licensed under Chapter 4723. of the Revised Code;
- (c) An optometrist licensed under Chapter 4725. of the Revised Code;
- (d) A pharmacist licensed under Chapter 4729. of the Revised Code;
- (e) A physician assistant certified under Chapter 4730. of the Revised Code;
- (f) A physician licensed under Chapter 4731. of the Revised Code;
- (g) A psychologist licensed under Chapter 4732. of the Revised Code;
- (h) A chiropractor licensed under Chapter 4734. of the Revised Code;
- (i) A nursing home administrator licensed under Chapter 4751. of the Revised Code;
- (j) A counselor, social worker, or marriage and family therapist licensed under Chapter 4757. of the Revised Code; or
- (k) A dietitian licensed under Chapter 4759. of the Revised Code.

(2) Hold credentials as an education professional that are recognized by:

- (a) The Ohio department of education;
- (b) ~~The Ohio board of regents~~ chancellor of higher education; or
- (c) A nationally or regionally recognized accreditation body for programs of postsecondary education.

(B) The administrator of a community health worker training program shall be responsible for the following:

- (1) Assuring that the community health worker training program establishes written policies addressing the issues set forth in paragraph (C) of this rule;
  - (2) Assuring that the policies of the program are implemented as written;
  - (3) Assuring that the nursing tasks included in the curriculum of an approved community health worker training program are taught by an individual who:
    - (a) Has held an Ohio license to practice registered nursing for a minimum of two years;
    - (b) Is not prohibited by law from teaching nursing tasks;
    - (c) Satisfies one of the following:
      - (i) Has experience in working directly with community health workers for a minimum of six months prior to entering into an instructor role; or
      - (ii) Within six months after assuming instructor responsibilities in the community health worker training program, successfully completes the community health worker program coursework.
  - (4) Assuring that the training program utilizes other licensed health care professionals to provide portions of the relevant classroom and clinical instruction in accordance with the professional's educational background and licensed scope of practice.
- (C) A community health worker training program shall adopt and implement program policies that address all of the following:
- (1) Criteria for students to enroll and continue in the program that establish a basic level of ability necessary for an individual to safely perform the essential functions of a community health worker;
  - (2) Criteria for student re-enrollment in the program;
  - (3) Criteria for successful completion of the program;
  - (4) A process for determining that a student has sufficient knowledge and understanding to competently provide the care and services of a community health worker including both nursing tasks and non-nursing tasks.

- (a) A registered nurse shall provide written verification that a community health worker student has been taught the skills necessary to perform delegated nursing tasks;
  - (b) A registered nurse or other qualified community health worker training program instructor or administrator shall provide written verification that a student has been taught skills necessary to provide the non-nursing tasks provided by a community health worker.
- (5) A process for maintaining student records including:
- (a) The date a student began the program;
  - (b) The date a student completed the program; and
  - (c) The competency check lists for each individual student.
- (6) An accurate, timely process to provide verification to the board that a student seeking certification as a community health worker has successfully completed the approved training program;
- (7) A process for program evaluation that includes feedback from students, instructors and employers of individuals who have successfully completed the community health worker training program;
- (8) Designation of those persons with authority to notify the board regarding student enrollment, re-enrollment, and completion of the program;
- (9) A process for addressing the unexpected vacancy of the administrator of the program; and
- (10) For individuals with experience in the armed forces of the United States, or in the national guard or in a reserve component, the program shall have a process in place to:
- (a) Review the individual's military education and skills training;
  - (b) Determine whether any of the military education or skills training is substantially equivalent to the curriculum established in Chapter 4723-26 of the Administrative Code;
  - (c) Award credit to the individual for any substantially equivalent military education or skills training.

- (D) When the administrator of an approved community health worker training program vacates the position or is replaced, an authorized representative of the program shall provide written notice to the board within thirty days after the position is vacated and within thirty days after a new person assumes the role.
- (E) An approved training program shall not initiate a new community health worker training program unless an administrator who meets the requirements of paragraph (A) of this rule is in place.
- (F) When a decision is made to close a community health worker training program, the board shall be notified in writing of the decision and provided with the following information:
  - (1) The tentative date of closing;
  - (2) The location of the program's records, including but not limited to, student records;  
and
  - (3) The name and address of the custodian of the records.

Effective:

Five Year Review (FYR) Dates: 10/11/2019

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: ORC 4723.88  
Rule Amplifies: ORC 4723.87  
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4723-26-14

**Procedures for obtaining approval or reapproval of community health worker training programs.**

[Comment: Information regarding the availability and effective date of the materials incorporated by reference in this rule can be found in paragraph (G) of rule 4723-1-03 of the Administrative Code.]

The board shall approve and reapprove community health worker training programs as follows:

- (A) A community health worker training program that seeks to be approved by the board shall submit to the board all of the following:
- (1) A completed "Community Health Worker Training Program Approval Application"~~application on a form specified by the board located at <http://www.nursing.ohio.gov/forms.htm> (effective May 2014);~~
  - (2) Payment of a program approval fee of three hundred dollars; and
  - (3) Any other information requested by the board.
- (B) A community health worker training program seeking reapproval by the board shall submit the following to the board within ninety days prior to the expiration of its current approval:
- (1) A completed "Community Health Worker Training Program Re-Approval Application"~~reapproval application on a form specified by the board located at <http://www.nursing.ohio.gov/forms.htm> (effective May 2014);~~
  - (2) Payment of a program reapproval fee of three hundred dollars; and
  - (3) Any other information requested by the board.
- (C) If the board determines that additional information is necessary to make a determination regarding an application for program approval or reapproval, the board shall provide written notice to the applicant requesting the information. An application will expire, and a new application must be submitted, if the requested information is not received by the board within one year of the date of the board's request.
- (D) The board may conduct a site visit of a community health worker training program or applicant either prior to approving or reapproving a program application, or at any time during the two year period for which a program is approved.
- (E) At a regularly scheduled board meeting the board shall review the completed application for approval or reapproval and all other relevant documentation to determine whether

a program complies with standards set forth in this chapter. If the board finds that the program meets all the requirements of this chapter it shall issue its approval or reapproval, in writing, to the applicant program.

- (F) Program approval shall extend for two years provided the program continues to meet the program standards set forth in this chapter.
- (G) If the board determines that an application for program approval or reapproval does not demonstrate that the applicant program meets or maintains the minimum standards set forth in this chapter, the board shall send to the administrator of the program a written report that identifies the specific deficiencies. The deficiency report must notify the applicant or program of a board meeting date, not less than ninety days in the future, at which the board will make a decision regarding the application.
- (H) Within thirty days after receipt of the deficiency report, the administrator of the program may submit to the board either:
  - (1) A written plan of correction that sets forth the steps taken by the program to meet or maintain each minimum standard identified in the report as not being met or maintained; or
  - (2) A written response to the report setting forth evidence that the program is meeting and maintaining each minimum standard identified in the report as not being met or maintained.

In order for the board to consider the program's response to the deficiency report, the program must submit the response not less than thirty days prior to the board meeting at which the board will consider the program's approval status.

- (I) Based on the deficiency report and the program's response to the report, if any, the board may grant approval, grant provisional approval, continue approval, or propose to deny or withdraw approval of the program. The board shall deny or withdraw approval of a program according to the procedures set forth in Chapter 119. of the Revised Code. In the alternative, the board an applicant or program may enter into a consent agreement specifying terms and conditions the applicant or program must satisfy in order to achieve or maintain an approval status.
- (J) If at any time a program with full approval fails to meet and maintain the minimum standards set forth in this chapter, the board shall place the program on provisional approval. When a program is placed on provisional approval, the board shall specify the minimum standard or standards the program is not meeting or maintaining and shall establish the time period during which the program will be on provisional

approval. When the time period for provisional approval has expired, the board shall reconsider the program's approval status.

- (K) If a program on provisional approval continues to fail to meet or maintain minimum standards at the end of the time period established for provisional approval, the board may propose to continue provisional approval for a period of time specified by the board or may propose to withdraw approval, according to the procedures set forth in Chapter 119. of the Revised Code. In the alternative, the board and applicant or program may enter into a consent agreement specifying terms and conditions the applicant or program must satisfy in order to achieve or maintain an approval status.
- (L) When a complete application for reapproval is submitted to the board in accordance with paragraph (B) of this rule, and the board fails to make a determination before the current program approval expires, the board shall issue a notice to the administrator of the program extending approval of the program until board action is taken on the reapproval application.

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Certification

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