

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 285**

**Representatives Ghanbari, Rogers**

**Cosponsors: Representatives Cross, Troy, Hillyer, Liston, Miller, J., Carruthers,  
Brewer, Sweeney**

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**A BILL**

To amend sections 3333.28, 3722.01, 4723.489, and 1  
4730.203; to enact sections 3333.27, 3722.21, 2  
3722.22, 3722.23, 3722.24, 3722.25, 3722.26, 3  
3722.27, 3722.28, 3722.29, 3722.30, 3722.31, 4  
3722.32, 3722.33, 3722.34, 3722.35, 3722.36, 5  
3722.37, and 3722.38; and to repeal sections 6  
3727.50, 3727.51, 3727.52, 3727.53, 3727.54, 7  
3727.55, 3727.56, and 3727.57 of the Revised 8  
Code to require hospitals to establish 9  
registered nurse staffing plans that protect 10  
patient safety, to create the Nursing Student 11  
Loan-to-Grant Program, and to make an 12  
appropriation. 13

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

**Section 1.** That sections 3333.28, 3722.01, 4723.489, and 14  
4730.203 be amended and sections 3333.27, 3722.21, 3722.22, 15  
3722.23, 3722.24, 3722.25, 3722.26, 3722.27, 3722.28, 3722.29, 16  
3722.30, 3722.31, 3722.32, 3722.33, 3722.34, 3722.35, 3722.36, 17  
3722.37, and 3722.38 of the Revised Code be enacted to read as 18

follows:

Sec. 3333.27. (A) The nursing student loan-to-grant program is created in the department of higher education. The chancellor of higher education shall administer the program in accordance with this section.

Under the program, a nursing student enrolled in a prelicensure nursing education program for registered nurses, approved under section 4723.06 of the Revised Code, may apply to be awarded an amount that is conditioned on the student's agreement to fulfill a five-year service obligation. Until an award recipient completes the service obligation, the total amount received shall be considered a loan subject to repayment. Once the service obligation is completed, the amount shall be considered a grant and is no longer subject to repayment.

(B) The service obligation required by the program may be fulfilled by doing any of the following:

(1) Practicing as a direct-care registered nurse in a hospital that, on or after September 30, 2024, is licensed under Chapter 3722. of the Revised Code;

(2) Practicing as a direct-care registered nurse in a nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;

(3) Serving in this state as a faculty member in a prelicensure nursing education program for registered nurses, approved under section 4723.06 of the Revised Code.

(C) The chancellor shall establish an application form to be used and procedures to be followed by a nursing student seeking financial assistance through the program. An applicant shall certify that the applicant will make a good faith effort

to obtain the license and to secure the employment necessary to 48  
begin fulfilling the program's service obligation as soon as 49  
practicable following completion of the highest level of 50  
education being sought. 51

The chancellor shall review each application received. If 52  
the chancellor determines that an applicant is eligible and 53  
there are sufficient funds, the chancellor shall award to the 54  
applicant the amount authorized by division (D) of this section. 55

(D) All of the following apply with respect to an 56  
applicant's eligibility and the amount that may be received 57  
under the program: 58

(1) An applicant may submit only one application each 59  
year. 60

(2) If an application is approved, the amount awarded 61  
shall not exceed three thousand dollars. 62

(3) An award recipient may apply for additional awards in 63  
subsequent years, with each additional award not to exceed three 64  
thousand dollars. 65

(4) The maximum number of awards an individual may receive 66  
is four. 67

(E) The chancellor shall establish procedures for 68  
determining whether the recipient of an award under the program 69  
is making a good faith effort to begin fulfilling the 70  
recipient's service obligation as soon as practicable following 71  
completion of the highest level of education being sought. If 72  
the chancellor determines that a good faith effort is not being 73  
made, the chancellor shall seek repayment under the procedures 74  
described in division (F) of this section. 75

The chancellor shall establish procedures for monitoring 76  
the progress of a recipient who has commenced the employment 77  
necessary to fulfill the recipient's service obligation. If the 78  
chancellor determines that the recipient has failed to fulfill 79  
the service obligation, the chancellor shall seek repayment 80  
under the procedures described in division (E) of this section. 81

(F) The chancellor shall seek repayment of any amount 82  
awarded under this section that remains a loan because the 83  
chancellor has determined that the recipient failed to fulfill 84  
the recipient's service obligation. On request of the 85  
chancellor, the attorney general shall bring and prosecute to 86  
judgment a civil action to collect any amount that is subject to 87  
repayment and remains unpaid. 88

(G) The nursing student loan-to-grant fund is created in 89  
the state treasury. The fund shall consist of all money 90  
appropriated to the fund by the general assembly. The chancellor 91  
shall use the money in the fund only for purposes of awarding 92  
amounts under the nursing student loan-to-grant program. 93

**Sec. 3333.28.** (A) The chancellor of higher education shall 94  
establish the nurse education assistance program, the purpose of 95  
which shall be to make loans to students enrolled in 96  
prelicensure ~~nurse-nursing~~ education programs ~~at institutions~~ 97  
approved by the board of nursing under section 4723.06 of the 98  
Revised Code and postlicensure ~~nurse-nursing~~ education programs 99  
approved by the chancellor under section 3333.04 of the Revised 100  
Code or offered by an institution holding a certificate of 101  
authorization issued under Chapter 1713. of the Revised Code. 102  
The board of nursing shall assist the chancellor in 103  
administering the program. 104

(B) There is hereby created in the state treasury the 105

nurse education assistance fund, which shall consist of all 106  
money transferred to it pursuant to ~~section~~ sections 3722.35 and 107  
4743.05 of the Revised Code. The money in the fund shall be used 108  
by the chancellor ~~for~~ in accordance with both of the following: 109

(1) For loans made under division (A) of this section ~~and~~ 110  
~~for;~~ 111

(2) For expenses of administering the loan program, 112  
subject to both of the following: 113

(a) Of the money transferred pursuant to section 3722.35 114  
of the Revised Code, no part shall be used for administrative 115  
expenses. 116

(b) Of the money transferred pursuant to section 4743.05 117  
of the Revised Code, the amount used for administrative expenses 118  
shall not exceed the amount that would have been used if no 119  
money had been transferred pursuant to section 3722.35 of the 120  
Revised Code. 121

(C) Between July 1, 2005, and January 1, 2012, the 122  
chancellor shall distribute money in the nurse education 123  
assistance fund in the following manner: 124

(1) (a) Fifty per cent of available funds shall be awarded 125  
as loans to registered nurses enrolled in postlicensure ~~nurse~~ 126  
nursing education programs described in division (A) of this 127  
section. To be eligible for a loan, the applicant shall provide 128  
the chancellor with a letter of intent to practice as a faculty 129  
member at a prelicensure or postlicensure program for nursing in 130  
this state upon completion of the applicant's academic program. 131

(b) If the borrower of a loan under division (C) (1) (a) of 132  
this section secures employment as a faculty member of an 133  
approved nursing education program in this state within six 134

months following graduation from an approved ~~nurse-nursing~~ 135  
education program, the chancellor may forgive the principal and 136  
interest of the student's loans received under division (C) (1) 137  
(a) of this section at a rate of twenty-five per cent per year, 138  
for a maximum of four years, for each year in which the borrower 139  
is so employed. A deferment of the service obligation, and other 140  
conditions regarding the forgiveness of loans may be granted as 141  
provided by the rules adopted under division (D) (7) of this 142  
section. 143

(c) Loans awarded under division (C) (1) (a) of this section 144  
shall be awarded on the basis of the student's expected family 145  
contribution, with preference given to those applicants with the 146  
lowest expected family contribution. However, the chancellor may 147  
consider other factors the chancellor determines relevant in 148  
ranking the applications. 149

(d) Each loan awarded to a student under division (C) (1) 150  
(a) of this section shall be not less than five thousand dollars 151  
per year. 152

(2) Twenty-five per cent of available funds shall be 153  
awarded to students enrolled in prelicensure ~~nurse-nursing~~ 154  
education programs for registered nurses, as defined in section 155  
4723.01 of the Revised Code. 156

(3) Twenty-five per cent of available funds shall be 157  
awarded to students enrolled in ~~nurse-nursing~~ education programs 158  
as determined by the chancellor, with preference given to 159  
programs aimed at increasing enrollment in an area of need. 160

After January 1, 2012, the chancellor shall determine the 161  
manner in which to distribute loans under this section. 162

(D) Subject to the requirements specified in division (C) 163

of this section, the chancellor shall adopt rules in accordance 164  
with Chapter 119. of the Revised Code establishing: 165

(1) Eligibility criteria for receipt of a loan; 166

(2) Loan application procedures; 167

(3) The amounts in which loans may be made and the total 168  
amount that may be loaned to an individual; 169

(4) The total amount of loans that can be made each year; 170

(5) The percentage of the money in the fund that must 171  
remain in the fund at all times as a fund balance; 172

(6) Interest and principal repayment schedules; 173

(7) Conditions under which a portion of principal and 174  
interest obligations incurred by an individual under the program 175  
will be forgiven; 176

(8) Conditions under which all or a portion of the 177  
principal and interest obligations incurred by an individual who 178  
is deployed on active duty outside of the state or who is the 179  
spouse of a person deployed on active duty outside of the state 180  
may be deferred or forgiven. 181

(9) Ways that the program may be used to encourage 182  
individuals who are members of minority groups to enter the 183  
nursing profession; 184

(10) Any other matters incidental to the operation of the 185  
program. 186

(E) The obligation to repay a portion of the principal and 187  
interest on a loan made under this section shall be forgiven if 188  
the recipient of the loan meets the criteria for forgiveness 189  
established by division (C)(1)(b) of this section, in the case 190

of loans awarded under division (C) (1) (a) of this section, or by 191  
the chancellor under the rule adopted under division (D) (7) of 192  
this section, in the case of other loans awarded under this 193  
section. 194

(F) The obligation to repay all or a portion of the 195  
principal and interest on a loan made under this section may be 196  
deferred or forgiven if the recipient of the loan meets the 197  
criteria for deferment or forgiveness established by the 198  
chancellor under the rule adopted under division (D) (8) of this 199  
section. 200

(G) The receipt of a loan under this section shall not 201  
affect a student's eligibility for assistance, or the amount of 202  
that assistance, granted under section 3333.12, 3333.122, 203  
3333.22, 3333.26, 5910.03, 5910.032, or 5919.34 of the Revised 204  
Code, but the rules of the chancellor may provide for taking 205  
assistance received under those sections into consideration when 206  
determining a student's eligibility for a loan under this 207  
section. 208

(H) As used in this section, "active duty" means active 209  
duty pursuant to an executive order of the president of the 210  
United States, an act of the congress of the United States, or 211  
section 5919.29 or 5923.21 of the Revised Code. 212

**Sec. 3722.01.** As used in this chapter: 213

(A) "Children's hospital" means either of the following: 214

(1) A hospital that provides general pediatric medical and 215  
surgical care in which at least seventy-five per cent of annual 216  
inpatient discharges for the preceding two calendar years were 217  
individuals less than eighteen years of age; 218

(2) A distinct portion of a hospital that provides general 219

pediatric medical and surgical care, has a total of at least one 220  
hundred fifty pediatric special care and pediatric acute care 221  
beds, and in which at least seventy-five per cent of annual 222  
inpatient discharges for the preceding two calendar years were 223  
individuals less than eighteen years of age. 224

(B) "Health care service" means any of the following: 225

(1) Pediatric intensive care; 226

(2) Solid organ and bone marrow transplantation; 227

(3) Stem cell harvesting and reinfusion; 228

(4) Cardiac catheterization; 229

(5) Open heart surgery; 230

(6) Operation of linear accelerators; 231

(7) Operation of cobalt radiation therapy units; 232

(8) Operation of gamma knives. 233

(C) "Hospital" means an institution or facility that 234  
provides inpatient medical or surgical services for a continuous 235  
period longer than twenty-four hours. "Hospital" includes a 236  
children's hospital. 237

(D) "Political subdivision" means a county, township, 238  
municipal corporation, or other body corporate and politic 239  
responsible for governmental activities in a geographic area 240  
smaller than that of the state. 241

(E) "Registered nurse" has the same meaning as in section 242  
4723.01 of the Revised Code. 243

(F) "State university" has the same meaning as in section 244  
3345.12 of the Revised Code. 245

Sec. 3722.21. (A) Notwithstanding any conflicting 246  
provision of this chapter or any other provision of the Revised 247  
Code, but subject to division (B) of this section, sections 248  
3722.22 to 3722.38 of the Revised Code apply to all hospitals 249  
and portions of hospitals that use registered nurses to provide 250  
the type of patient care described in those sections, including 251  
all of the following: 252

(1) Maternity units and newborn care nurseries licensed by 253  
the department of health until September 30, 2024, under Chapter 254  
3711. of the Revised Code; 255

(2) Inpatient units licensed by the department of mental 256  
health and addiction services under section 5119.33 of the 257  
Revised Code; 258

(3) Hospitals registered under section 3701.07 of the 259  
Revised Code as long-term acute care hospitals. 260

(B) Sections 3722.22 to 3722.38 of the Revised Code do not 261  
apply to any of the following: 262

(1) Hospitals licensed by the department of mental health 263  
and addiction services under section 5119.33 of the Revised Code 264  
and any institution, hospital, or other place established, 265  
controlled, or supervised by that department under Chapter 5119. 266  
of the Revised Code; 267

(2) Freestanding inpatient rehabilitation facilities 268  
licensed by the department of health under section 3702.30 of 269  
the Revised Code; 270

(3) Freestanding birthing centers licensed by the 271  
department of health under section 3702.30 of the Revised Code. 272

Sec. 3722.22. (A) A hospital shall develop and implement a 273

nurse staffing plan that provides adequate, appropriate, and 274  
quality delivery of health care services and protects patient 275  
safety. The plan shall document the methodology that is used to 276  
determine the hospital's needs for nursing staff. 277

A hospital's plan shall be based on the recommendations 278  
the hospital receives from its nurse staffing committee created 279  
under section 3722.23 of the Revised Code. The plan shall ensure 280  
that the hospital is in compliance with the nurse-to-patient 281  
staffing ratios established under section 3722.24 of the Revised 282  
Code and any ratios established under section 3722.25 of the 283  
Revised Code, once the ratios are applicable to the hospital as 284  
provided under those sections. The plan shall comply with all 285  
other provisions of sections 3722.21 to 3722.38 of the Revised 286  
Code. 287

A hospital shall evaluate its plan on an annual basis. 288  
Based on the annual evaluation, the hospital shall update its 289  
plan accordingly. 290

A hospital shall submit to the director of health a copy 291  
of its initial plan and each of its annual updates to the plan. 292  
The director shall establish procedures whereby the plans and 293  
their updates are made available for inspection by the public. 294

(B) If a hospital is in operation on the effective date of 295  
this section, the hospital's initial plan shall be developed and 296  
implemented not later than one year after the effective date of 297  
this section. If a hospital begins operation after the effective 298  
date of this section, the hospital's initial plan shall be 299  
developed and implemented as soon as practicable, as determined 300  
by the director of health. 301

**Sec. 3722.23.** (A) Each hospital shall establish a nurse 302

staffing committee. The hospital shall select the number of 303  
members to serve on the committee, subject to both of the 304  
following: 305

(1) At least fifty per cent of the membership shall 306  
consist of direct care registered nurses, with at least one 307  
registered nurse serving as a member from each of the hospital's 308  
patient care units. The member who represents a unit shall be 309  
selected by the other direct care registered nurses from that 310  
unit. 311

(2) All or part of the remainder of the membership shall 312  
consist of a meaningful representation of direct care staff who 313  
serve in positions that are not considered management positions. 314  
These members shall be selected by other direct care staff who 315  
serve in non-management positions. 316

(B) Attending a meeting of the committee as a member or 317  
otherwise fulfilling the duties of membership shall be 318  
considered by the hospital as part of a member's regularly 319  
scheduled hours of work for any pay period. 320

(C) The committee shall prepare and submit recommendations 321  
to the hospital regarding the nurse staffing plan required by 322  
section 3722.22 of the Revised Code. The committee may prepare 323  
and submit recommendations on any other matter it considers 324  
relevant to the staffing, patient safety, and other provisions 325  
of sections 3722.21 to 3722.38 of the Revised Code. The 326  
committee shall meet at intervals it considers necessary to 327  
fulfill its responsibilities. 328

**Sec. 3722.24.** (A) Except as provided in sections 3722.25 329  
and 3722.26 of the Revised Code, at all times during each 330  
working shift within a particular patient care unit of a 331

hospital, the hospital shall assign a direct care registered 332  
nurse to not more than the following number of patients: 333

(1) One patient in either of the following: 334

(a) A trauma emergency unit; 335

(b) An operating room unit, as long as there is at least 336  
one other person assigned to serve at the same time as an 337  
operating room assistant. 338

(2) Two patients in a critical care unit, including a unit 339  
with any of the following designations: neonatal intensive care, 340  
emergency critical care, intensive care, labor and delivery, 341  
coronary care, acute respiratory care, postanesthesia care, or 342  
burn care; 343

(3) Three patients in either of the following: 344

(a) A unit with any of the following designations: 345  
emergency department care, pediatric care, step-down care, 346  
telemetry care, or antepartum care; 347

(b) A combined unit for labor, delivery, and postpartum 348  
care. 349

(4) Four patients in either of the following: 350

(a) A unit with any of the following designations: 351  
medical-surgical care, intermediate care, or acute psychiatric 352  
care; 353

(b) Any other specialty care unit not specified in 354  
division (A) (4) (a) of this section. 355

(5) Five patients in either of the following: 356

(a) A rehabilitation unit; 357

(b) A skilled nursing unit, including a unit that has beds 358  
registered under section 3701.07 of the Revised Code as skilled 359  
nursing beds, long-term care beds, or special skilled nursing 360  
beds. 361

(6) Six patients in either of the following: 362

(a) A postpartum care unit, with each mother and infant 363  
being counted as a separate patient; 364

(b) A unit designated as a well-baby nursery. 365

(7) In the case of a hospital unit that is not identified 366  
in divisions (A)(1) to (6) of this section, the number of 367  
patients designated by the director of health. 368

(B) The direct care registered nurse-to-patient staffing 369  
ratios that result from the requirements of division (A) of this 370  
section shall be implemented by a hospital as soon as 371  
practicable, as determined by the director of health, subject to 372  
both of the following time frames in the case of a hospital that 373  
is in operation on the effective date of this section: 374

(1) Except as provided in division (B)(2) of this section, 375  
the staffing ratios apply beginning on the date that is two 376  
years after the effective date of this section. 377

(2) If the hospital is located in a rural area, as 378  
identified by the director, the staffing ratios apply beginning 379  
on the date that is four years after the effective date of this 380  
section. 381

**Sec. 3722.25.** (A) The director of health may establish 382  
direct care registered nurse-to-patient staffing ratios that are 383  
more stringent than the nurse-to-patient staffing ratios 384  
established by section 3722.24 of the Revised Code, if both of 385

the following are the case: 386

(1) The director has determined that the more stringent 387  
staffing ratios are necessary to protect patient safety. 388

(2) The director has consulted with both the hospital and 389  
the registered nurses affected by the more stringent staffing 390  
ratios. 391

(B) If staffing ratios are established under this section, 392  
the affected hospital shall comply with the staffing ratios in 393  
accordance with the same time frames that apply to the hospital 394  
under division (B) of section 3722.24 of the Revised Code. 395

Sec. 3722.26. A hospital is not required to comply with 396  
the direct care registered nurse-to-patient staffing ratios 397  
established under section 3722.24 or any more stringent ratios 398  
established under section 3722.25 of the Revised Code in any of 399  
the following circumstances: 400

(A) A state of emergency. For purposes of this division, 401  
the director of health shall establish criteria for determining 402  
what constitutes a state of emergency and how long it exists. 403  
Even during a state of emergency, a hospital shall make prompt 404  
and diligent efforts to comply with the established staffing 405  
ratios to the greatest extent possible. 406

(B) Emergency department patient diversions. Any patient 407  
who arrives at a hospital's emergency department but is diverted 408  
to another hospital for treatment shall not be included in 409  
calculating the staffing ratio that applies to a patient care 410  
unit within the department. 411

(C) Inability to obtain staffing coverage. This division 412  
applies only if a hospital, after consulting with the hospital's 413  
nurse staffing committee created under section 3722.23 of the 414

Revised Code, is able to document that it made reasonable 415  
efforts to obtain and retain the staff necessary to meet the 416  
established staffing ratios. Such efforts shall include all of 417  
the following: 418

(1) Seeking, from all available qualified staff who are 419  
working, individuals who will consent to work additional time; 420

(2) Contacting other qualified staff who have made 421  
themselves available to work additional time; 422

(3) Seeking the use of staff who work on a per diem basis; 423

(4) When practical, seeking personnel from a staffing 424  
agency that is regularly used by the hospital. 425

(D) Unforeseeable clinical care needs. This division 426  
applies only if a registered nurse is willing to accept the 427  
assignment of one or more additional patients because of events 428  
that could not have been anticipated by the hospital but could 429  
lead to patients suffering life-threatening adverse effects 430  
unless a nursing staff assignment is made. 431

(E) Deviations for brief periods. On an occasional basis, 432  
a hospital may deviate from the staffing ratios that apply to a 433  
particular patient care unit, subject to all of the following 434  
conditions: 435

(1) Each deviation occurs for not more than twelve hours; 436

(2) Not more than six deviations occur in any thirty-day 437  
period; 438

(3) A registered nurse is not denied a meal break or rest 439  
break as a result of the deviation; 440

(4) Not later than ten days after a deviation occurs, the 441

manager of the patient care unit notifies the hospital's nurse 442  
staffing committee of the occurrence. 443

(F) Use of innovative care models. A hospital may deviate 444  
from the staffing ratios that apply to a particular patient care 445  
unit if the unit is evaluating an innovative model of care that 446  
uses clinical care staff who are not registered nurses, subject 447  
to all of the following conditions: 448

(1) The model uses other clinical care staff in place of 449  
not more than fifty per cent of the required number of 450  
registered nurses who otherwise would have to be assigned to 451  
patients in the unit. 452

(2) The model has been reviewed and approved by a majority 453  
of the members of the hospital's nurse staffing committee. 454

(3) The model is implemented for a period of not more than 455  
two years, but may be reapproved by the committee for subsequent 456  
two-year periods. 457

(G) Provision of patient-specific critical care. This 458  
division applies only if a hospital is able to document that a 459  
particular patient was admitted to a unit after being 460  
transferred from another hospital and required critical care to 461  
sustain the patient's life or prevent disability. 462

(H) Provision of care to other patients who meet 463  
designated criteria. The following types of patients are not 464  
included in any calculation of the staffing ratios that apply to 465  
a hospital: 466

(1) A patient being discharged from the hospital, while 467  
waiting for the discharge to be completed; 468

(2) Patients, including those in an emergency department, 469

who are being transferred to other units, but only if the 470  
patients are in rooms located near one another while waiting for 471  
the transfer to be completed; 472

(3) A patient who is receiving care in any of the 473  
hospital's outpatient units. 474

(4) Any other type of patient designated by the hospital's 475  
nurse staffing committee as a type of patient to be excluded 476  
from the calculation. 477

**Sec. 3722.27.** In assigning registered nurses to a 478  
particular hospital unit as part of implementing the direct care 479  
registered nurse-to-patient staffing ratios established under 480  
sections 3722.24 and 3722.25 of the Revised Code, a hospital is 481  
subject to all of the following: 482

(A) The hospital shall not assign a registered nurse to a 483  
patient care unit unless the nurse has received an orientation 484  
that is sufficient to provide competent care in that unit and 485  
has demonstrated competence in providing care for that unit. 486  
This division applies to all registered nurses who may be 487  
assigned to a unit, including nurses provided to the hospital by 488  
temporary staffing agencies and nurses who relieve other nurses 489  
during breaks, meals, and other routine or expected absences 490  
from the unit. 491

(B) The hospital shall not include, as part of meeting the 492  
staffing requirements, any registered nurse who is serving in an 493  
administrative or supervisory position. 494

(C) The hospital shall not attempt to meet the staffing 495  
requirements by calculating averages of the number of patients 496  
in a unit or the number of registered nurses assigned to the 497  
unit during any particular working shift or over any other 498

period of time. 499

(D) The hospital shall not use video monitors or any other 500  
electronic means of observing a patient as a means of meeting 501  
the staffing requirements. 502

(E) The hospital shall not impose mandatory overtime on 503  
any registered nurse as a means of meeting the staffing 504  
requirements. 505

**Sec. 3722.28.** In providing patient care as part of 506  
implementing the direct care registered nurse-to-patient 507  
staffing ratios established under sections 3722.24 and 3722.25 508  
of the Revised Code, a hospital is subject to all of the 509  
following: 510

(A) The hospital shall not use video monitors or any other 511  
electronic means of observing a patient as a substitute for the 512  
direct observation that is necessary for a registered nurse to 513  
conduct proper patient assessments. 514

(B) The hospital shall not place a patient for care in a 515  
particular unit unless the staffing ratios that apply to the 516  
unit are sufficient to meet the level of intensity, type of 517  
care, and individual needs of that patient. 518

(C) If the hospital provides care in a unit with 519  
adjustable patient acuity levels, the hospital shall use the 520  
staffing ratio that applies to the highest patient acuity level 521  
that exists within the unit during a working shift. 522

(D) If an assessment of a patient's acuity level and 523  
nursing care plan demonstrates that the patient's care requires 524  
staffing that is above the established ratios, the hospital 525  
shall provide additional direct care registered nurses, licensed 526  
practical nurses, and other personnel in accordance with the 527

assessment. 528

Sec. 3722.29. (A) In each of its patient care units, a 529  
hospital shall post a uniform notice that explains the 530  
requirements of sections 3722.21 to 3722.38 of the Revised Code. 531  
For each working shift in a unit, the hospital shall include 532  
with the uniform notice a posting of both of the following: 533

(1) A description of the direct care registered nurse-to- 534  
patient staffing ratio that applies to the unit; 535

(2) The actual number and titles of the direct care 536  
registered nurses who are assigned during the shift. 537

(B) The uniform notice and shift-specific information 538  
shall be prepared in a manner prescribed by the director of 539  
health. The notice and information shall be posted in an area of 540  
the unit that is visible, conspicuous, and accessible to the 541  
hospital's staff, its patients, and the public. 542

Sec. 3722.30. (A) A hospital shall develop a system to 543  
document the manner in which it meets the requirements of 544  
sections 3722.21 to 3722.38 of the Revised Code. In accordance 545  
with the system, the hospital shall maintain records of each of 546  
the following for not less than three years: 547

(1) A copy of each notice posted under section 3722.29 of 548  
the Revised Code; 549

(2) The actual staffing levels that occurred in each 550  
patient care unit of the hospital during each working shift; 551

(3) Information certifying whether each direct care 552  
registered nurse assigned to a unit received rest and meal 553  
breaks during a working shift and the identities of the 554  
individuals who relieved the nurses during the breaks. 555

(B) On request, the records maintained under this section 556  
shall be made available to any of the following: 557

(1) The director of health; 558

(2) Any registered nurse or the nurse's exclusive 559  
representative, as defined in section 4117.01 of the Revised 560  
Code; 561

(3) Any member of the general public. 562

**Sec. 3722.31.** With respect to each patient admitted to a 563  
hospital for care in an inpatient unit, the hospital shall 564  
provide the patient or the patient's representative with the 565  
telephone number of the toll-free patient safety telephone line 566  
made available to the public by the department of health under 567  
section 3701.91 of the Revised Code. The patient or the 568  
patient's representative may use the telephone number to do 569  
either or both of the following: 570

(A) Seek information regarding the nurse staffing 571  
requirements and other provisions of sections 3722.21 to 3722.38 572  
of the Revised Code; 573

(B) Make reports of inadequate staffing or care at the 574  
hospital. 575

**Sec. 3722.32.** (A) With respect to staffing within a 576  
hospital and its patient care units, a registered nurse may 577  
object to or refuse to participate in any activity, policy, 578  
practice, assignment, or task if the nurse reasonably believes 579  
either of the following: 580

(1) That the hospital is violating sections 3722.21 to 581  
3722.38 of the Revised Code; 582

(2) That the nurse is not prepared by education, training, 583

or experience to participate, and that doing so would compromise 584  
patient safety or subject the nurse to disciplinary action by 585  
the board of nursing. 586

(B) If a registered nurse exercises the authority granted 587  
by division (A) of this section, the hospital shall not take any 588  
retaliatory action against the nurse. Actions prohibited by this 589  
division include filing a complaint or report against the nurse 590  
with the board of nursing. 591

(C) If a violation of division (B) of this section occurs, 592  
both of the following apply: 593

(1) The registered nurse has a cause of action against the 594  
hospital. 595

(2) The registered nurse may submit a complaint against 596  
the hospital under section 3722.34 of the Revised Code. 597

**Sec. 3722.33.** (A) The director of health shall conduct 598  
audits of a hospital to determine both of the following: 599

(1) Whether the hospital is implementing its staffing plan 600  
in accordance with sections 3722.21 to 3722.38 of the Revised 601  
Code; 602

(2) Whether the hospital is maintaining records in 603  
accordance with section 3722.30 of the Revised Code. 604

(B) The director shall conduct at least one audit of a 605  
hospital every two years. The director may conduct other audits 606  
at any time the director considers necessary for proper 607  
enforcement of sections 3722.21 to 3722.38 of the Revised Code. 608

**Sec. 3722.34.** (A) No hospital shall knowingly do any of 609  
the following: 610

(1) Fail to develop and implement a staffing plan in 611  
accordance with section 3722.22 of the Revised Code; 612

(2) Fail to comply with the staffing plan once it has been 613  
implemented; 614

(3) Fail to comply in any other manner with sections 615  
3722.21 to 3722.38 of the Revised Code. 616

(B) A hospital is not in violation of division (A) of this 617  
section in the case of a state of emergency or any of the other 618  
circumstances described in section 3722.26 of the Revised Code. 619

**Sec. 3722.35.** (A) If the director of health determines 620  
that a hospital is in violation of section 3722.34 of the 621  
Revised Code, the director shall require the hospital to 622  
establish a corrective action plan and submit the plan to the 623  
director. The plan is subject to approval by the director. On 624  
the director's request, the plan shall be revised accordingly. 625

(B) (1) If a violation of section 3722.34 of the Revised 626  
Code is not resolved by the hospital's corrective action plan 627  
established under division (A) of this section, the director may 628  
impose a fine pursuant to an adjudication under Chapter 119. of 629  
the Revised Code. The following fines may be imposed: 630

(a) In the case of a fine that is imposed on the hospital 631  
as a business entity, the amount of the fine for a first offense 632  
shall be not more than twenty-five thousand dollars; for each 633  
subsequent offense, the amount of the fine shall be not more 634  
than fifty thousand dollars. 635

(b) In the case of a fine that is imposed on an individual 636  
who is employed by the hospital, the amount of the fine shall be 637  
not more than twenty thousand dollars for each offense. 638

(2) On the director's request, the attorney general shall 639  
bring and prosecute to judgment a civil action to collect any 640  
fine imposed under division (B)(1) of this section that remains 641  
unpaid. 642

(C) All fines collected under division (B) of this section 643  
shall be deposited into the state treasury to the credit of the 644  
nurse education assistance fund created under section 3333.28 of 645  
the Revised Code and used only as described in division (B)(1) 646  
of that section. 647

**Sec. 3722.36.** The director of health shall establish 648  
procedures under which a registered nurse, a hospital patient, 649  
or any other person may file a complaint with the director 650  
alleging that a hospital has violated section 3722.34 of the 651  
Revised Code. On receipt of a complaint, the director shall 652  
conduct an investigation. If the director determines from the 653  
investigation that a violation has occurred, the director shall 654  
take action under section 3722.35 of the Revised Code. 655

**Sec. 3722.37.** With respect to the requirements, rights, 656  
and remedies established under sections 3722.21 to 3722.38 of 657  
the Revised Code, all of the following apply: 658

(A) A hospital shall not discriminate or retaliate in any 659  
manner against a registered nurse, hospital patient, or any 660  
other person who, in good faith, files a complaint under section 661  
3722.36 of the Revised Code, presents a grievance to the 662  
hospital regarding the staffing within the hospital's patient 663  
care units, or otherwise demonstrates opposition to any hospital 664  
policy, practice, or action that is in violation of sections 665  
3722.21 to 3722.38 of the Revised Code. 666

(B) A hospital shall not interfere with, restrain, or 667

prohibit a person's exercise of, or attempt to exercise, any of 668  
the rights conferred by sections 3722.21 to 3722.28 of the 669  
Revised Code. 670

(C) A hospital shall not establish policies that, directly 671  
or indirectly, discourage a registered nurse or any other person 672  
from disclosing information as authorized by sections 3722.21 to 673  
3722.38 of the Revised Code. 674

(D) A hospital shall not intimidate a registered nurse or 675  
any other person who makes public statements regarding hospital 676  
staffing. 677

**Sec. 3722.38.** (A) With respect to the practice of 678  
registered nursing and its relationship to sections 3722.21 to 679  
3722.38 of the Revised Code, the general assembly recognizes all 680  
of the following: 681

(1) All registered nurses have a duty and right to act 682  
based on their professional judgment and in accordance with the 683  
statutes and rules that apply to their practice. 684

(2) All registered nurses have the duty and right to 685  
provide care in the exclusive interests of their patients. 686

(3) All registered nurses have the duty and right to act 687  
as advocates for their patients. 688

(B) In recognizing the matters described in division (A) 689  
of this section, the general assembly finds that a registered 690  
nurse, before the nurse may accept a patient assignment, is 691  
responsible for determining all of the following: 692

(1) Whether the nurse has the necessary professional 693  
knowledge, judgment, skills, and ability to care for the 694  
patient; 695

(2) Whether the nurse is competent to provide the required 696  
care; 697

(3) Whether accepting the assignment would create harm for 698  
either the patient or the nurse. 699

**Sec. 4723.489.** A person not otherwise authorized to 700  
administer drugs may administer a drug to a specified patient if 701  
all of the following conditions are met: 702

(A) The authority to administer the drug is delegated to 703  
the person by an advanced practice registered nurse who is a 704  
clinical nurse specialist, certified nurse-midwife, or certified 705  
nurse practitioner and holds a license issued under section 706  
4723.42 of the Revised Code. 707

(B) The drug is not listed in the formulary established in 708  
rules adopted under section 4723.50 of the Revised Code, is not 709  
a controlled substance, and is not to be administered 710  
intravenously. 711

(C) The drug is to be administered at a location other 712  
than ~~a~~ any of the following: 713

(1) A hospital inpatient care unit, ~~as defined in section~~ 714  
~~3727.50 of the Revised Code; a~~ 715

(2) A hospital emergency department or a freestanding 716  
emergency department; ~~or an~~ 717

(3) An ambulatory surgical facility, ~~as defined in~~ 718  
licensed under section 3702.30 of the Revised Code. 719

(D) The person has successfully completed education based 720  
on a recognized body of knowledge concerning drug administration 721  
and demonstrates to the person's employer the knowledge, skills, 722  
and ability to administer the drug safely. 723

(E) The person's employer has given the advanced practice 724  
registered nurse access to documentation, in written or 725  
electronic form, showing that the person has met the conditions 726  
specified in division (D) of this section. 727

(F) The advanced practice registered nurse is physically 728  
present at the location where the drug is administered. 729

**Sec. 4730.203.** (A) Acting pursuant to a supervision 730  
agreement, a physician assistant may delegate performance of a 731  
task to implement a patient's plan of care or, if the conditions 732  
in division (C) of this section are met, may delegate 733  
administration of a drug. Subject to division (D) of section 734  
4730.03 of the Revised Code, delegation may be to any person. 735  
The physician assistant must be physically present at the 736  
location where the task is performed or the drug administered. 737

(B) Prior to delegating a task or administration of a 738  
drug, a physician assistant shall determine that the task or 739  
drug is appropriate for the patient and the person to whom the 740  
delegation is to be made may safely perform the task or 741  
administer the drug. 742

(C) A physician assistant may delegate administration of a 743  
drug only if all of the following conditions are met: 744

(1) The physician assistant has been granted physician- 745  
delegated prescriptive authority and is authorized to prescribe 746  
the drug. 747

(2) The drug is not a controlled substance. 748

(3) The drug will not be administered intravenously. 749

(4) The drug will not be administered in ~~a~~ any of the 750  
following locations: 751

~~(a) A hospital inpatient care unit, as defined in section 3727.50 of the Revised Code; a~~ 752  
753

~~(b) A hospital emergency department, or a freestanding emergency department; or an~~ 754  
755

~~(c) An ambulatory surgical facility licensed under section 3702.30 of the Revised Code.~~ 756  
757

(D) A person not otherwise authorized to administer a drug 758  
or perform a specific task may do so in accordance with a 759  
physician assistant's delegation under this section. 760

**Section 2.** That existing sections 3333.28, 3722.01, 761  
4723.489, and 4730.203 of the Revised Code are hereby repealed. 762

**Section 3.** That sections 3727.50, 3727.51, 3727.52, 763  
3727.53, 3727.54, 3727.55, 3727.56, and 3727.57 of the Revised 764  
Code are hereby repealed. 765

**Section 4.** Not later than one year after the effective 766  
date of this section, the Director of Health, in consultation 767  
with the Board of Nursing and the Department of Higher 768  
Education, shall prepare a report containing recommendations for 769  
ensuring that sufficient numbers of nurses are available in this 770  
state to meet the staffing requirements established under 771  
sections 3722.21 to 3722.38 of the Revised Code. On completion 772  
of the report, the Director shall submit copies to the General 773  
Assembly in accordance with section 101.68 of the Revised Code. 774

**Section 5.** All items in this act are hereby appropriated 775  
as designated out of any moneys in the state treasury to the 776  
credit of the designated fund. For all operating appropriations 777  
made in this act, those in the first column are for fiscal year 778  
2024 and those in the second column are for fiscal year 2025. 779  
The operating appropriations made in this act are in addition to 780

any other operating appropriations made for these fiscal years. 781

**Section 6.** 782

783

|   | 1    | 2      | 3                                      | 4            | 5            |
|---|------|--------|----------------------------------------|--------------|--------------|
| A |      |        | BOR DEPARTMENT OF HIGHER EDUCATION     |              |              |
| B |      |        | Dedicated Purpose Fund Group           |              |              |
| C | 5BA1 | 235683 | Nursing Student Loan-to-Grant Program  | \$10,000,000 | \$10,000,000 |
| D |      |        | TOTAL DPF Dedicated Purpose Fund Group | \$10,000,000 | \$10,000,000 |
| E |      |        | TOTAL ALL BUDGET FUND GROUPS           | \$10,000,000 | \$10,000,000 |

NURSING STUDENT LOAN-TO-GRANT PROGRAM 784

The foregoing appropriation item 235683, Nursing Student 785  
Loan-to-Grant Program, shall be used by the Chancellor of Higher 786  
Education to support the Nursing Student Loan-to-Grant Program 787  
pursuant to section 3333.27 of the Revised Code. 788

An amount equal to the unexpended, unencumbered balance of 789  
the foregoing appropriation item 235683, Nursing Student Loan- 790  
to-Grant Program, at the end of fiscal year 2024 is hereby 791  
reappropriated for the same purpose in fiscal year 2025. 792

**Section 7.** Within the limits set forth in this act, the 793  
Director of Budget and Management shall establish accounts 794  
indicating the source and amount of funds for each appropriation 795  
made in this act, and shall determine the manner in which 796  
appropriation accounts shall be maintained. Expenditures from 797

operating appropriations contained in this act shall be 798  
accounted for as though made in, and are subject to all 799  
applicable provisions of, the main operating appropriations act 800  
of the 135th General Assembly. 801

**Section 8.** On the effective date of this section, or as 802  
soon as possible thereafter, the Director of Budget and 803  
Management shall transfer \$20,000,000 cash from the General 804  
Revenue Fund to the Nursing Student Loan-to-Grant Fund (Fund 805  
5BA1). 806