



Ohio Revised Code

Section 4723.35 Impairment monitoring program.

Effective: September 20, 2024

Legislation: Senate Bill 81 - 135th General Assembly

(A) As used in this section and section 4723.351 of the Revised Code:

(1) "Applicant" means an individual who has applied for a license or certificate to practice issued under this chapter. "Applicant" may include an individual who has been granted authority by the board of nursing to practice as one type of practitioner, but has applied for authority to practice as another type of practitioner.

(2) "Impaired" or "impairment" means either or both of the following:

(a) Impairment of the ability to practice as described in division (B)(10) of section 4723.28 of the Revised Code;

(b) Impairment of the ability to practice as described in division (B)(11) of section 4723.28 of the Revised Code.

(3) "Practitioner" means an individual authorized under this chapter to practice as a registered nurse, including as an advanced practice registered nurse, licensed practical nurse, dialysis technician, community health worker, or medication aide.

(B) The board of nursing shall establish the safe haven program to monitor applicants and practitioners who are or may be impaired, but against whom the board has abstained from taking disciplinary action. The program is to be conducted by the monitoring organization under contract with the board as described in section 4723.351 of the Revised Code.

(C)(1) On the establishment of the program, the board may transfer to the monitoring organization, in whole or in part, either or both of the following responsibilities:

(a) The monitoring and oversight of licensees as part of the substance use disorder program as that



program existed on or before the effective date of this section ;

(b) The monitoring and oversight of licensees under terms specified in a board adjudication order or consent agreement.

(2) If the board transfers the responsibilities described in division (C)(1) of this section, both of the following apply:

(a) The monitoring organization shall provide to the board quarterly reports regarding the compliance of transferred licensees.

(b) The monitoring organization shall immediately report to the board any licensee who is not in compliance with the terms and conditions of monitoring.

(D) The board shall refer to the monitoring organization any applicant or practitioner whose health and effectiveness show signs of impairment or potential impairment, but only if the applicant or practitioner meets the eligibility conditions of division (G) of this section.

(E) Determinations regarding an applicant's or practitioner's eligibility for admission to, continued participation in, and successful completion of the safe haven program shall be made by the monitoring organization in accordance with rules adopted under section 4723.351 of the Revised Code.

(F) The board shall abstain from taking disciplinary action under section 4723.28, 4723.652, or 4723.86 of the Revised Code against an individual whose health and effectiveness show signs of impairment or potential impairment, but who is not currently under the terms of a consent agreement with the board for impairment or an order issued by the board for impairment if the individual is participating in the safe haven program.

An applicant's or practitioner's impairment neither excuses an applicant or practitioner who has committed other violations of this chapter nor precludes the board from investigating or taking disciplinary action against an applicant or practitioner for other violations of this chapter.



(G) An applicant or practitioner is eligible to participate in the safe haven program if both of the following conditions are met:

- (1) The applicant or practitioner needs assistance with impairment or potential impairment.

- (2) The applicant or practitioner has an unencumbered license and is not currently under the terms of a consent agreement with the board for impairment or an order issued by the board for impairment.