



Ohio Revised Code

Section 4723.74 Approving operation of dialysis training program.

Effective: April 6, 2017

Legislation: House Bill 216 - 131st General Assembly

(A) A person who seeks to operate a dialysis training program shall apply to the board of nursing for approval of the program. Applications shall be submitted in accordance with rules adopted under section 4723.79 of the Revised Code. The person shall include with the application the fee prescribed in those rules.

(B)(1) Except as provided in divisions (B)(2) and (3) of this section, if the program meets the requirements for approval as specified in the rules, the board shall approve the program. A program shall apply for reapproval and may be reapproved in accordance with rules adopted under section 4723.79 of the Revised Code.

(2) The board shall deny approval if a program or a person on behalf of a program submits or causes to be submitted to the board false, misleading, or deceptive statements, information, or documentation in the process of applying for approval of the program.

(3) The board may deny approval if a program is controlled by a person who controls or has controlled a program that had its approval withdrawn, revoked, suspended, or restricted by the board or a board of another jurisdiction that is a member of the national council of state boards of nursing. As used in division (B)(3) of this section, "control" means any of the following:

(a) Holding fifty per cent or more of the program's outstanding voting securities or membership interest;

(b) In the case of an applicant that is not incorporated, having the right to fifty per cent or more of the program's profits or in the event of a dissolution, fifty per cent or more of the program's assets;

(c) In the case of an applicant that is a for-profit or not-for-profit corporation, having the contractual authority presently to designate fifty per cent or more of the program's directors;



(d) In the case of an applicant that is a trust, having the contractual authority presently to designate fifty per cent or more of the program's trustees;

(e) Having the authority to direct the program's management, policies, or investments.

(4) If the board proposes to deny approval under divisions (B)(2) or (3) of this section, it shall do so pursuant to an adjudication conducted under Chapter 119. of the Revised Code.

(C) The board may place on provisional approval, for a period of time it specifies, a dialysis training program that has ceased to meet and maintain the minimum standards of the board established by rules adopted under section 4723.79 of the Revised Code. Prior to or at the end of the period, the board shall reconsider whether the program meets the standards. The board shall grant full approval if the program meets the standards. If the program does not meet the standards, the board may withdraw approval in accordance with division (D) of this section.

(D) The board may withdraw the approval of a program that ceases to meet the requirements for approval. Any action to withdraw the approval shall be taken in accordance with Chapter 119. of the Revised Code.

(E) When an action taken by the board is required to b e taken pursuant to an adjudication conducted under Chapter 119. of the Revised Code, the board may, in lieu of an adjudication hearing, enter into a consent agreement to resolve the matter. A consent agreement, when ratified by a vote of a quorum of the board, constitutes the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the agreement are of no effect.

In any instance in which the board is required under Chapter 119. of the Revised Code to give notice to a program of an opportunity for a hearing and the program does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by a vote of a quorum, a final order that contains the board's findings.

(F) When the board denies or withdraws approval of a program, the board may specify that its action is permanent. A program subject to a permanent action taken by the board is forever ineligible for



approval and the board shall not accept an application for the program's reinstatement or approval.

(G) An individual shall not be permitted to enroll, and shall not enroll, in a dialysis training program approved by the board under this section unless the individual is eighteen years of age or older and possesses a high school diploma or certificate of high school equivalence.