

AN ACT

To amend section 4723.02 and to enact sections 4723.48, 4777.01, 4777.02, 4777.03, 4777.04, and 4777.99 of the Revised Code to prohibit persons from using certain titles relating to the practice of occupational safety or the practice of industrial hygiene unless they meet specified requirements, to establish those requirements, and to establish requirements for the administration of intravenous therapy by licensed practical nurses.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4723.02 be amended and sections 4723.48, 4777.01, 4777.02, 4777.03, 4777.04, and 4777.99 of the Revised Code be enacted to read as follows:

Sec. 4723.02. As used in this chapter:

(A) "Registered nurse" means an individual who holds a current, valid license issued under this chapter that authorizes the practice of nursing as a registered nurse.

(B) "Practice of nursing as a registered nurse" means providing to individuals and groups nursing care requiring specialized knowledge, judgment, and skill derived from the principles of biological, physical, behavioral, social, and nursing sciences. Such nursing care includes:

(1) Identifying patterns of human responses to actual or potential health problems amenable to a nursing regimen;

(2) Executing a nursing regimen through the selection, performance, management, and evaluation of nursing actions;

(3) Assessing health status for the purpose of providing nursing care;

(4) Providing health counseling and health teaching;

(5) Administering medications, treatments, and executing regimens prescribed by licensed physicians; dentists; optometrists; podiatrists; or, until January 1, 2010, advanced practice nurses authorized to prescribe under section 4723.56 of the Revised Code;

(6) Teaching, administering, supervising, delegating, and evaluating

nursing practice.

(C) "Nursing regimen" may include preventative, restorative, and health promotion activities.

(D) "Assessing health status" means the collection of data through nursing assessment techniques, which may include interviews, observation, and physical evaluations for the purpose of providing nursing care.

(E) "Licensed practical nurse" means an individual who holds a current, valid license issued under this chapter that authorizes the practice of nursing as a licensed practical nurse.

(F) "The practice of nursing as a licensed practical nurse" means providing to individuals and groups nursing care requiring the application of basic knowledge of the biological, physical, behavioral, social, and nursing sciences at the direction of a licensed physician, dentist, podiatrist, optometrist, or registered nurse. Such nursing care includes:

(1) Observation, patient teaching, and care in a diversity of health care settings;

(2) Contributions to the planning, implementation, and evaluation of nursing;

(3) Administration of medications and treatments prescribed by a licensed physician; dentist; optometrist; podiatrist; or, until January 1, 2010, an advanced practice nurse authorized to prescribe under section 4723.56 of the Revised Code, except that administration of intravenous therapy shall be performed only in accordance with section 4723.48 of the Revised Code. Medications may be administered by a licensed practical nurse upon proof of completion of a course in medication administration approved by the board of nursing.

(4) Administration to an adult of intravenous therapy prescribed by a licensed physician; dentist; optometrist; podiatrist; or, until January 1, 2010, an advanced practice nurse authorized to prescribe under section 4723.56 of the Revised Code, on the condition that the licensed practical nurse is authorized by the board of nursing pursuant to section 4723.48 of the Revised Code to perform intravenous therapy and performs intravenous therapy only in accordance with section 4723.48 of the Revised Code.

(G) "Certified registered nurse anesthetist" means a registered nurse who holds a valid certificate of authority issued under this chapter that authorizes the practice of nursing as a certified registered nurse anesthetist in accordance with section 4723.43 of the Revised Code and rules adopted by the board of nursing.

(H) "Clinical nurse specialist" means a registered nurse who holds a valid certificate of authority issued under this chapter that authorizes the

actice of nursing as a clinical nurse specialist in accordance with section 4723.43 of the Revised Code and rules adopted by the board of nursing.

(I) "Certified nurse-midwife" means a registered nurse who holds a valid certificate of authority issued under this chapter that authorizes the practice of nursing as a certified nurse-midwife in accordance with section 4723.43 of the Revised Code and rules adopted by the board of nursing.

(J) "Certified nurse practitioner" means a registered nurse who holds a valid certificate of authority issued under this chapter that authorizes the practice of nursing as a certified nurse practitioner in accordance with section 4723.43 of the Revised Code and rules adopted by the board of nursing.

(K) "Physician" means an individual who holds a certificate issued under Chapter 4731. of the Revised Code authorizing the practice of medicine and surgery or osteopathic medicine and surgery and is practicing in this state.

(L) "Dentist" means an individual who is licensed under Chapter 4715. of the Revised Code to practice dentistry and is practicing in this state.

(M) "Podiatrist" means an individual who holds a certificate issued under Chapter 4731. of the Revised Code authorizing the practice of podiatry and is practicing in this state.

(N) "Collaboration" or "collaborating" means the following:

(1) In the case of a clinical nurse specialist, except as provided in division (N)(3) of this section, or a certified nurse practitioner, that a podiatrist acting within the podiatrist's scope of practice in accordance with section 4731.51 of the Revised Code and with whom the nurse has entered into a standard care arrangement or physician with whom the nurse has entered into a standard care arrangement is continuously available to communicate with the clinical nurse specialist or certified nurse practitioner either in person or by radio, telephone, or other form of telecommunication;

(2) In the case of a certified nurse-midwife, that a physician with whom the certified nurse-midwife has entered into a standard care arrangement is continuously available to communicate with the certified nurse-midwife either in person or by radio, telephone, or other form of telecommunication;

(3) In the case of a clinical nurse specialist whose nursing specialty is mental health or psychiatric mental health, that a physician is continuously available to communicate with the nurse either in person or by radio, telephone, or other form of telecommunication.

(O) "Supervision" means that a certified registered nurse anesthetist is under the direction of a podiatrist acting within the podiatrist's scope of practice in accordance with section 4731.51 of the Revised Code, a dentist

acting within the dentist's scope of practice in accordance with Chapter 4715. of the Revised Code, or a physician, and, when administering anesthesia, the certified registered nurse anesthetist is in the immediate presence of the podiatrist, dentist, or physician.

(P) "Standard care arrangement" means a written, formal guide for planning and evaluating a patient's health care that is developed by a collaborating physician or podiatrist and a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner and meets the requirements of section 4723.431 of the Revised Code.

Sec. 4723.48. (A) The board of nursing may authorize a licensed practical nurse to administer to an adult intravenous therapy prescribed by a licensed physician; dentist; optometrist; podiatrist; or, until January 1, 2010, an advanced practice nurse authorized to prescribe under section 4723.56 of the Revised Code, if all of the following are true of the licensed practical nurse:

(1) The nurse has a current, valid license issued under this chapter that includes authorization to administer medications.

(2) The nurse has successfully completed a course in intravenous administration approved by the board of nursing that includes both of the following:

(a) A minimum of forty hours of training that includes all of the following:

(i) The curriculum established by rules adopted by the board of nursing and in effect on January 1, 1999;

(ii) Training in the anatomy and physiology of the cardiovascular system, signs and symptoms of local and systemic complications in the administration of fluids and antibiotic additives, and guidelines for management of these complications;

(iii) Any other training or instruction the board considers appropriate.

(b) A testing component that includes three venipunctures supervised by a physician or registered nurse in a health care setting.

(B) A licensed practical nurse may perform intravenous therapy only if authorized by the board of nursing pursuant to division (A) of this section and only if it is performed in accordance with this section.

A licensed practical nurse authorized to perform intravenous therapy may perform an intravenous therapy procedure only at the direction of one of the following:

(1) A licensed physician, dentist, optometrist, or podiatrist who, except as provided in division (C)(2) of this section, is present and readily available at the facility where the intravenous therapy procedure is performed;

(2) A registered nurse in accordance with division (C) of this section.

(C)(1) Except as provided in division (C)(2) of this section, when a licensed practical nurse authorized to perform intravenous therapy performs an intravenous therapy procedure at the direction of a registered nurse, the registered nurse or another registered nurse shall be readily available at the site where the intravenous therapy is performed, and before the licensed practical nurse initiates the intravenous therapy, the registered nurse shall personally perform an on-site assessment of the individual who is to receive the intravenous therapy.

(2) When a licensed practical nurse authorized to perform intravenous therapy performs an intravenous therapy procedure In a home as defined in section 3721.10 of the Revised Code, or in an intermediate care facility for the mentally retarded as defined in section 5111.20 of the Revised Code, at the direction of a registered nurse or licensed physician, dentist, optometrist, or podiatrist, a registered nurse shall be on the premises of the home or facility or accessible by some form of telecommunication.

(D) No licensed practical nurse shall perform any of the following intravenous therapy procedures:

(1) Initiating or maintaining any of the following:

(a) Blood or blood components;

(b) Solutions for total parenteral nutrition;

(c) Any cancer therapeutic medication including, but not limited to, cancer chemotherapy or an anti-neoplastic agent;

(d) Solutions administered through any central venous line or arterial line or any other line that does not terminate in a peripheral vein, except that a licensed practical nurse may maintain the solutions specified in division (D)(6) of this section that are being administered through a central venous line or peripherally inserted central catheter;

(e) Any investigational or experimental medication.

(2) Initiating intravenous therapy in any vein other than a vein of the hand, forearm, or antecubital fossa;

(3) Discontinuing a central venous, arterial, or any other line that does not terminate in a peripheral vein;

(4) Initiating or discontinuing a peripherally inserted central catheter;

(5) Mixing, preparing, or reconstructing any medication for intravenous therapy, except that a licensed practical nurse authorized to perform intravenous therapy may prepare or reconstitute an antibiotic additive;

(6) Administering medication via the intravenous route including all of the following:

(a) Adding medication to an intravenous solution or to an existing

infusion, except that a licensed practical nurse authorized to administer intravenous therapy may initiate an intravenous infusion containing one or more of the following elements:

- (i) Dextrose 5%;
- (ii) Normal saline;
- (iii) Lactated ringers;
- (iv) Sodium chloride .45%;
- (v) Sodium chloride 0.2%;
- (vi) Water.

(b) Initiating or maintaining an intravenous piggyback infusion, except that a licensed practical nurse authorized to administer intravenous therapy may initiate or maintain an intravenous piggyback infusion containing an antibiotic additive;

(c) Injecting medication via a direct intravenous route, except that a licensed practical nurse authorized to administer intravenous therapy may inject heparin or normal saline to flush an intermittent infusion device or heparin lock including, but not limited to, bolus or push.

(7) Aspirating any intravenous line to maintain patency;

(8) Changing tubing on any line other than one that terminates in a peripheral vein including, but not limited to, an arterial line or a central venous line;

(9) Programming or setting any function of a patient controlled infusion pump.

(E) Notwithstanding division (D) of this section, at the direction of a licensed physician or a registered nurse, a licensed practical nurse authorized to perform intravenous therapy may perform the following activities for the purpose of performing dialysis:

(1) The routine administration and regulation of saline solution for the purpose of maintaining an established fluid plan;

(2) The administration of a heparin dose intravenously;

(3) The administration of a heparin dose peripherally via a fistula needle;

(4) The loading and activation of a constant infusion pump or the intermittent injection of a dose of medication prescribed by a licensed physician for dialysis.

(F) No person shall employ or direct a licensed practical nurse to perform an intravenous therapy procedure without first verifying that the licensed practical nurse has been approved by the board of nursing to perform intravenous therapy.

(G) The board of nursing shall maintain a registry of the names of

censed practical nurses authorized pursuant to division (A) of this section to perform intravenous therapy.

Sec. 4777.01. As used in this chapter:

(A) "The practice of industrial hygiene" means the anticipation, prevention, recognition, evaluation, elimination, and control of environmental, biological, chemical, physical, and ergonomic factors and stresses arising in or from the workplace that may cause sickness, impaired health and well-being, or significant discomfort among workers or the general public.

(B) "Certified Industrial Hygienist" or "CIH" means a person who meets the requirements of division (A) of section 4777.03 of the Revised Code.

(C) "Industrial Hygienist In Training" or "IHIT" means a person who meets the requirements of division (B) of section 4777.03 of the Revised Code.

(D) "The practice of occupational safety" means the preservation of human and material resources through the systematic application of education, chemistry, physics, biological, ergonomic, psychological, physiological, and management principles for anticipating, identifying, and evaluating hazardous systems, conditions, and practices in the workplace and developing, implementing, and administering programs to alleviate those hazards.

(E) "Certified Safety Professional" or "CSP" means a person who meets the requirements of division (C) of section 4777.03 of the Revised Code.

(F) "Associate Safety Professional" or "ASP" means a person who meets the requirements of division (D) of section 4777.03 of the Revised Code.

Sec. 4777.02. No person shall assume or use the title or designation "Certified Industrial Hygienist," "Industrial Hygienist In Training," "Certified Safety Professional," or "Associate Safety Professional," or any of the abbreviations "CIH," "IHIT," "CSP," or "ASP," unless the person has been awarded the title by the American board of industrial hygiene or the board of certified safety professionals as specified in section 4777.03 of the Revised Code.

Sec. 4777.03. (A) In order to use the title "Certified Industrial Hygienist," or the abbreviation "CIH," a person shall possess a valid, unexpired certification from the American board of industrial hygiene.

(B) In order to use the title "Industrial Hygienist In Training," or the abbreviation "IHIT," a person shall possess a valid, unexpired certification from the American board of industrial hygiene.

(C) In order to use the title "Certified Safety Professional," or the

abbreviation "CSP," a person shall possess a valid, unexpired certification from the board of certified safety professionals.

(D) In order to use the title "Associate Safety Professional," or the abbreviation "ASP," a person shall possess a valid, unexpired certification from the board of certified safety professionals.

Sec. 4777.04. The following persons are not prohibited from engaging in the practice of industrial hygiene and the practice of occupational safety:

(A) A person working as an apprentice under the supervision of a Certified Industrial Hygienist, Industrial Hygienist In Training, Certified Safety Professional, or Associate Safety Professional;

(B) A person engaging in the supervised practice of industrial hygiene or the practice of occupational safety through a course of study in that practice;

(C) A person who holds a certification, registration, or license under another section of the Revised Code if that person does not violate section 4777.02 of the Revised Code;

(D) A person engaging in activities within the scope of the practice of industrial hygiene or the practice of occupational safety who does not meet the requirements specified in section 4777.03 of the Revised Code, including a person who is certified, registered, or licensed by groups, organizations, or certifying bodies other than the American board of industrial hygiene or the board of certified safety professionals, if that person does not violate section 4777.02 of the Revised Code.

Sec. 4777.99. Whoever violates section 4777.02 of the Revised Code is guilty of a misdemeanor of the fourth degree.

SECTION 2. That existing section 4723.02 of the Revised Code is hereby repealed.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____