

As Introduced

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S. B. No. 200

Senator Morano

**Cosponsors: Senators Cafaro, Miller, D., Kearney, Sawyer, Schiavoni,
Turner, Schaffer**

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A B I L L

To amend sections 4723.43, 4723.44, 4729.01, and 1
4761.17 of the Revised Code to authorize certified 2
registered nurse anesthetists to issue 3
prescriptions for the administration of drugs 4
during certain phases of patient care. 5

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

Section 1. That sections 4723.43, 4723.44, 4729.01, and 6
4761.17 of the Revised Code be amended to read as follows: 7

Sec. 4723.43. A certified registered nurse anesthetist, 8
clinical nurse specialist, certified nurse-midwife, or certified 9
nurse practitioner may provide to individuals and groups nursing 10
care that requires knowledge and skill obtained from advanced 11
formal education and clinical experience. In this capacity as an 12
advanced practice nurse, a certified nurse-midwife is subject to 13
division (A) of this section, a certified registered nurse 14
anesthetist is subject to division (B) of this section, a 15
certified nurse practitioner is subject to division (C) of this 16
section, and a clinical nurse specialist is subject to division 17
(D) of this section. 18

(A) A nurse authorized to practice as a certified nurse-midwife, in collaboration with one or more physicians, may provide the management of preventive services and those primary care services necessary to provide health care to women antepartally, intrapartally, postpartally, and gynecologically, consistent with the nurse's education and certification, and in accordance with rules adopted by the board.

No certified nurse-midwife may perform version, deliver breech or face presentation, use forceps, do any obstetric operation, or treat any other abnormal condition, except in emergencies. Division (A) of this section does not prohibit a certified nurse-midwife from performing episiotomies or normal vaginal deliveries, or repairing vaginal tears. A certified nurse-midwife who holds a certificate to prescribe issued under section 4723.48 of the Revised Code may, in collaboration with one or more physicians, prescribe drugs and therapeutic devices in accordance with section 4723.481 of the Revised Code.

(B)(1) A nurse authorized to practice as a certified registered nurse anesthetist, with the supervision ~~and in the immediate presence~~ of a physician, podiatrist, or dentist who is actively engaged in practice in this state, consistent with the nurse's education and certification, and in accordance with rules adopted by the board, may ~~administer~~ do all of the following:

(a) While in the immediate presence of a physician, podiatrist, or dentist, administer anesthesia and perform anesthesia induction, maintenance, and emergence, ~~and may perform with supervision;~~

(b) Perform preanesthetic preparation and evaluation, postanesthesia care, and clinical support functions, ~~consistent with the nurse's education and certification, and in accordance with rules adopted by the board. A;~~

(c) Only during the phases of patient care directly related to the activities described in divisions (B)(1)(a) and (b) of this section and subject to divisions (B)(3) and (4) of this section, issue a written, oral, or electronic prescription under which the certified registered nurse anesthetist directs any of the following to administer a drug to a patient:

(i) An individual licensed under this chapter as a registered nurse or a licensed practical nurse and is acting within the scope of that individual's practice;

(ii) An individual licensed under Chapter 4761. of the Revised Code as a respiratory therapist and is acting within the scope of that individual's practice;

(iii) Any other individual licensed or otherwise specifically authorized by the Revised Code to administer drugs and is acting within the scope of that individual's practice.

(2) A certified registered nurse anesthetist is not required to obtain a certificate to prescribe in order to provide the anesthesia care or issue a prescription as described in this division (B)(1) of this section.

~~The physician, podiatrist, or dentist supervising a certified registered nurse anesthetist must be actively engaged in practice in this state. When~~

(3) When a certified registered nurse anesthetist is supervised by a podiatrist, the all of the following conditions apply:

(a) The nurse's scope of practice is limited to the anesthesia procedures that the podiatrist has the authority under section 4731.51 of the Revised Code to perform. A certified registered nurse anesthetist may

(b) The nurse shall not administer general anesthesia under

the podiatrist's supervision of ~~a podiatrist~~ in a the podiatrist's office. ~~When~~ 80
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(c) The nurse's authority to issue a prescription as described in division (B)(1)(c) of this section shall not exceed the podiatrist's authority to issue a prescription. 82
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(4) When a certified registered nurse anesthetist is supervised by a dentist, ~~the~~ both of the following conditions apply: 85
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(a) The nurse's scope of practice is limited to the anesthesia procedures that the dentist has the authority under Chapter 4715. of the Revised Code to perform. 88
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(b) The nurse's authority to issue a prescription as described in division (B)(1)(c) of this division shall not exceed the dentist's authority to issue a prescription. 91
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(C) A nurse authorized to practice as a certified nurse practitioner, in collaboration with one or more physicians or podiatrists, may provide preventive and primary care services and evaluate and promote patient wellness within the nurse's nursing specialty, consistent with the nurse's education and certification, and in accordance with rules adopted by the board. 94
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A certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code may, in collaboration with one or more physicians or podiatrists, prescribe drugs and therapeutic devices in accordance with section 4723.481 of the Revised Code. 100
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When a certified nurse practitioner is collaborating with a podiatrist, the nurse's scope of practice is limited to the procedures that the podiatrist has the authority under section 4731.51 of the Revised Code to perform. 105
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(D) A nurse authorized to practice as a clinical nurse specialist, in collaboration with one or more physicians or 109
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podiatrists, may provide and manage the care of individuals and 111
groups with complex health problems and provide health care 112
services that promote, improve, and manage health care within the 113
nurse's nursing specialty, consistent with the nurse's education 114
and in accordance with rules adopted by the board. A clinical 115
nurse specialist who holds a certificate to prescribe issued under 116
section 4723.48 of the Revised Code may, in collaboration with one 117
or more physicians or podiatrists, prescribe drugs and therapeutic 118
devices in accordance with section 4723.481 of the Revised Code. 119

When a clinical nurse specialist is collaborating with a 120
podiatrist, the nurse's scope of practice is limited to the 121
procedures that the podiatrist has the authority under section 122
4731.51 of the Revised Code to perform. 123

Sec. 4723.44. (A) No person shall do any of the following 124
unless the person holds a current, valid certificate of authority 125
to practice nursing as a certified registered nurse anesthetist, 126
clinical nurse specialist, certified nurse-midwife, or certified 127
nurse practitioner issued by the board of nursing under this 128
chapter: 129

(1) Engage in the practice of nursing as a certified 130
registered nurse anesthetist, clinical nurse specialist, certified 131
nurse-midwife, or certified nurse practitioner for a fee, salary, 132
or other consideration, or as a volunteer; 133

(2) Represent the person as being a certified registered 134
nurse anesthetist, clinical nurse specialist, certified 135
nurse-midwife, or certified nurse practitioner; 136

(3) Use any title or initials implying that the person is a 137
certified registered nurse anesthetist, clinical nurse specialist, 138
certified nurse-midwife, or certified nurse practitioner; 139

(4) Represent the person as being an advanced practice nurse; 140

(5) Use any title or initials implying that the person is an advanced practice nurse. 141
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(B) No person who is not certified by the national council on certification of nurse anesthetists of the American association of nurse anesthetists, the national council on recertification of nurse anesthetists of the American association of nurse anesthetists, or another national certifying organization approved by the board under section 4723.46 of the Revised Code shall use the title "certified registered nurse anesthetist" or the initials "C.R.N.A.," or any other title or initial implying that the person has been certified by the council or organization. 143
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(C) No certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner shall do any of the following: 152
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(1) Engage, for a fee, salary, or other consideration, or as a volunteer, in the practice of a nursing specialty other than the specialty designated on the nurse's current, valid certificate of authority issued by the board under this chapter; 155
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(2) Represent the person as being authorized to practice any nursing specialty other than the specialty designated on the current, valid certificate of authority; 159
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(3) Use the title "certified registered nurse anesthetist" or the initials "N.A." or "C.R.N.A.," the title "clinical nurse specialist" or the initials "C.N.S.," the title "certified nurse-midwife" or the initials "C.N.M.," the title "certified nurse practitioner" or the initials "C.N.P.," the title "advanced practice nurse" or the initials "A.P.N.," or any other title or initials implying that the nurse is authorized to practice any nursing specialty other than the specialty designated on the nurse's current, valid certificate of authority; 162
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(4) Enter into a standard care arrangement with a physician 171

or podiatrist whose practice is not the same as or similar to the 172
nurse's nursing specialty; 173

(5) Prescribe drugs or therapeutic devices unless the nurse 174
holds a current, valid certificate to prescribe issued under 175
section 4723.48 of the Revised Code or the nurse prescribes drugs 176
pursuant to division (B) of section 4723.43 of the Revised Code; 177

(6) Prescribe drugs or therapeutic devices under a 178
certificate to prescribe in a manner that does not comply with 179
section 4723.481 of the Revised Code or prescribe drugs pursuant 180
to division (B) of section 4723.43 of the Revised Code in a manner 181
that does not comply with that division; 182

(7) Prescribe any drug or device to perform or induce an 183
abortion, or otherwise ~~Perform~~ perform or induce an abortion. 184

(D) No person shall knowingly employ a person to engage in 185
the practice of nursing as a certified registered nurse 186
anesthetist, clinical nurse specialist, certified nurse-midwife, 187
or certified nurse practitioner unless the person so employed 188
holds a current, valid certificate of authority to engage in that 189
nursing specialty issued by the board under this chapter. 190

(E) A certificate certified by the executive director of the 191
board, under the official seal of the board, to the effect that it 192
appears from the records that no certificate of authority to 193
practice nursing as a certified registered nurse anesthetist, 194
clinical nurse specialist, certified nurse-midwife, or certified 195
nurse practitioner has been issued to any person specified 196
therein, or that a certificate, if issued, has been revoked or 197
suspended, shall be received as prima-facie evidence of the record 198
in any court or before any officer of the state. 199

Sec. 4729.01. As used in this chapter: 200

(A) "Pharmacy," except when used in a context that refers to 201

the practice of pharmacy, means any area, room, rooms, place of 202
business, department, or portion of any of the foregoing where the 203
practice of pharmacy is conducted. 204

(B) "Practice of pharmacy" means providing pharmacist care 205
requiring specialized knowledge, judgment, and skill derived from 206
the principles of biological, chemical, behavioral, social, 207
pharmaceutical, and clinical sciences. As used in this division, 208
"pharmacist care" includes the following: 209

(1) Interpreting prescriptions; 210

(2) Dispensing drugs and drug therapy related devices; 211

(3) Compounding drugs; 212

(4) Counseling individuals with regard to their drug therapy, 213
recommending drug therapy related devices, and assisting in the 214
selection of drugs and appliances for treatment of common diseases 215
and injuries and providing instruction in the proper use of the 216
drugs and appliances; 217

(5) Performing drug regimen reviews with individuals by 218
discussing all of the drugs that the individual is taking and 219
explaining the interactions of the drugs; 220

(6) Performing drug utilization reviews with licensed health 221
professionals authorized to prescribe drugs when the pharmacist 222
determines that an individual with a prescription has a drug 223
regimen that warrants additional discussion with the prescriber; 224

(7) Advising an individual and the health care professionals 225
treating an individual with regard to the individual's drug 226
therapy; 227

(8) Acting pursuant to a consult agreement with a physician 228
authorized under Chapter 4731. of the Revised Code to practice 229
medicine and surgery or osteopathic medicine and surgery, if an 230
agreement has been established with the physician; 231

(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code.	232 233
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	234 235 236
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	237 238
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	239 240
(3) As an incident to research, teaching activities, or chemical analysis;	241 242
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	243 244 245
(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply:	246 247 248 249 250
(a) At the time the request is made, the drug is not commercially available regardless of the reason that the drug is not available, including the absence of a manufacturer for the drug or the lack of a readily available supply of the drug from a manufacturer.	251 252 253 254 255
(b) A limited quantity of the drug is compounded and provided to the professional.	256 257
(c) The drug is compounded and provided to the professional as an occasional exception to the normal practice of dispensing drugs pursuant to patient-specific prescriptions.	258 259 260
(D) "Consult agreement" means an agreement to manage an	261

individual's drug therapy that has been entered into by a 262
pharmacist and a physician authorized under Chapter 4731. of the 263
Revised Code to practice medicine and surgery or osteopathic 264
medicine and surgery. 265

(E) "Drug" means: 266

(1) Any article recognized in the United States pharmacopoeia 267
and national formulary, or any supplement to them, intended for 268
use in the diagnosis, cure, mitigation, treatment, or prevention 269
of disease in humans or animals; 270

(2) Any other article intended for use in the diagnosis, 271
cure, mitigation, treatment, or prevention of disease in humans or 272
animals; 273

(3) Any article, other than food, intended to affect the 274
structure or any function of the body of humans or animals; 275

(4) Any article intended for use as a component of any 276
article specified in division (E)(1), (2), or (3) of this section; 277
but does not include devices or their components, parts, or 278
accessories. 279

(F) "Dangerous drug" means any of the following: 280

(1) Any drug to which either of the following applies: 281

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 282
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 283
required to bear a label containing the legend "Caution: Federal 284
law prohibits dispensing without prescription" or "Caution: 285
Federal law restricts this drug to use by or on the order of a 286
licensed veterinarian" or any similar restrictive statement, or 287
the drug may be dispensed only upon a prescription; 288

(b) Under Chapter 3715. or 3719. of the Revised Code, the 289
drug may be dispensed only upon a prescription. 290

(2) Any drug that contains a schedule V controlled substance 291

and that is exempt from Chapter 3719. of the Revised Code or to	292
which that chapter does not apply;	293
(3) Any drug intended for administration by injection into	294
the human body other than through a natural orifice of the human	295
body.	296
(G) "Federal drug abuse control laws" has the same meaning as	297
in section 3719.01 of the Revised Code.	298
(H) "Prescription" means a written, electronic, or oral order	299
for drugs or combinations or mixtures of drugs to be used by a	300
particular individual or for treating a particular animal, issued	301
by a licensed health professional authorized to prescribe drugs.	302
(I) "Licensed health professional authorized to prescribe	303
drugs" or "prescriber" means an individual who is authorized by	304
law to prescribe drugs or dangerous drugs or drug therapy related	305
devices in the course of the individual's professional practice,	306
including only the following:	307
(1) A dentist licensed under Chapter 4715. of the Revised	308
Code;	309
(2) A clinical nurse specialist, certified nurse-midwife, or	310
certified nurse practitioner who holds a certificate to prescribe	311
issued under section 4723.48 of the Revised Code;	312
(3) <u>A certified registered nurse anesthetist who prescribes</u>	313
<u>drugs pursuant to division (B) of section 4723.43 of the Revised</u>	314
<u>Code;</u>	315
<u>(4)</u> An optometrist licensed under Chapter 4725. of the	316
Revised Code to practice optometry under a therapeutic	317
pharmaceutical agents certificate;	318
(4) <u>(5)</u> A physician authorized under Chapter 4731. of the	319
Revised Code to practice medicine and surgery, osteopathic	320
medicine and surgery, or podiatry;	321

(5) (6) A physician assistant who holds a certificate to	322
prescribe issued under Chapter 4730. of the Revised Code;	323
(6) (7) A veterinarian licensed under Chapter 4741. of the	324
Revised Code.	325
(J) "Sale" and "sell" include delivery, transfer, barter,	326
exchange, or gift, or offer therefor, and each such transaction	327
made by any person, whether as principal proprietor, agent, or	328
employee.	329
(K) "Wholesale sale" and "sale at wholesale" mean any sale in	330
which the purpose of the purchaser is to resell the article	331
purchased or received by the purchaser.	332
(L) "Retail sale" and "sale at retail" mean any sale other	333
than a wholesale sale or sale at wholesale.	334
(M) "Retail seller" means any person that sells any dangerous	335
drug to consumers without assuming control over and responsibility	336
for its administration. Mere advice or instructions regarding	337
administration do not constitute control or establish	338
responsibility.	339
(N) "Price information" means the price charged for a	340
prescription for a particular drug product and, in an easily	341
understandable manner, all of the following:	342
(1) The proprietary name of the drug product;	343
(2) The established (generic) name of the drug product;	344
(3) The strength of the drug product if the product contains	345
a single active ingredient or if the drug product contains more	346
than one active ingredient and a relevant strength can be	347
associated with the product without indicating each active	348
ingredient. The established name and quantity of each active	349
ingredient are required if such a relevant strength cannot be so	350
associated with a drug product containing more than one	351

ingredient.	352
(4) The dosage form;	353
(5) The price charged for a specific quantity of the drug product. The stated price shall include all charges to the consumer, including, but not limited to, the cost of the drug product, professional fees, handling fees, if any, and a statement identifying professional services routinely furnished by the pharmacy. Any mailing fees and delivery fees may be stated separately without repetition. The information shall not be false or misleading.	354 355 356 357 358 359 360 361
(O) "Wholesale distributor of dangerous drugs" means a person engaged in the sale of dangerous drugs at wholesale and includes any agent or employee of such a person authorized by the person to engage in the sale of dangerous drugs at wholesale.	362 363 364 365
(P) "Manufacturer of dangerous drugs" means a person, other than a pharmacist, who manufactures dangerous drugs and who is engaged in the sale of those dangerous drugs within this state.	366 367 368
(Q) "Terminal distributor of dangerous drugs" means a person who is engaged in the sale of dangerous drugs at retail, or any person, other than a wholesale distributor or a pharmacist, who has possession, custody, or control of dangerous drugs for any purpose other than for that person's own use and consumption, and includes pharmacies, hospitals, nursing homes, and laboratories and all other persons who procure dangerous drugs for sale or other distribution by or under the supervision of a pharmacist or licensed health professional authorized to prescribe drugs.	369 370 371 372 373 374 375 376 377
(R) "Promote to the public" means disseminating a representation to the public in any manner or by any means, other than by labeling, for the purpose of inducing, or that is likely to induce, directly or indirectly, the purchase of a dangerous drug at retail.	378 379 380 381 382

(S) "Person" includes any individual, partnership, 383
association, limited liability company, or corporation, the state, 384
any political subdivision of the state, and any district, 385
department, or agency of the state or its political subdivisions. 386

(T) "Finished dosage form" has the same meaning as in section 387
3715.01 of the Revised Code. 388

(U) "Generically equivalent drug" has the same meaning as in 389
section 3715.01 of the Revised Code. 390

(V) "Animal shelter" means a facility operated by a humane 391
society or any society organized under Chapter 1717. of the 392
Revised Code or a dog pound operated pursuant to Chapter 955. of 393
the Revised Code. 394

(W) "Food" has the same meaning as in section 3715.01 of the 395
Revised Code. 396

Sec. 4761.17. All of the following apply to the practice of 397
respiratory care by a person who holds a license or limited permit 398
issued under this chapter: 399

(A) The person shall practice only pursuant to a prescription 400
or other order for respiratory care issued by ~~a physician or by a~~ 401
one or more of the following: 402

(1) A physician; 403

(2) A registered nurse who holds a certificate of authority 404
issued under Chapter 4723. of the Revised Code to practice as a 405
certified nurse practitioner or clinical nurse specialist and has 406
entered into a standard care arrangement with a physician that 407
allows the nurse to prescribe or order respiratory care services; 408

(3) A certified registered nurse anesthetist when the 409
prescription is issued in accordance with division (B) of section 410
4723.43 of the Revised Code. 411

(B) The person shall practice only under one of the following 412
conditions: 413

(1) Pursuant to the supervision of a physician ~~or under~~; 414

(2) Pursuant to the supervision of a certified nurse 415
practitioner or clinical nurse specialist who is authorized to 416
prescribe or order respiratory care services as provided in 417
division (A)(2) of this section; 418

(3) Pursuant to the authority of a certified registered nurse 419
anesthetist who is supervised by a physician in accordance with 420
division (B) of section 4723.43 of the Revised Code. 421

(C)(1) When practicing under the prescription or order of a 422
certified nurse practitioner or clinical nurse specialist or ~~under~~ 423
pursuant to the supervision of such a nurse, the person's 424
administration of medication that requires a prescription is 425
limited to the drugs that the nurse is authorized to prescribe 426
pursuant to the nurse's certificate to prescribe issued under 427
section 4723.48 of the Revised Code. 428

(2) When practicing under the prescription or order of a 429
certified registered nurse anesthetist or pursuant to the 430
authority of such a nurse, the person's administration of 431
medication shall occur only during the phases of patient care 432
directly related to the nurse's activities described in divisions 433
(B)(1)(a) and (b) of section 4723.43 of the Revised Code and in 434
accordance with the nurse's authority to prescribe drugs during 435
those phases, as described in division (B)(1)(c) of section 436
4723.43 of the Revised Code. 437

Section 2. That existing sections 4723.43, 4723.44, 4729.01, 438
and 4761.17 of the Revised Code are hereby repealed. 439