

As Introduced

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Senator Morano

**Cosponsors: Senators Fedor, Cafaro, Schiavoni, Miller, R., Miller, D.,
Kearney, Turner, Sawyer, Wilson, Wagoner**

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A B I L L

To amend sections 3333.28, 4723.48, 4723.482, and 1
4723.50 and to enact section 3333.29 of the 2
Revised Code with respect to prescriptive 3
authority of out-of-state advanced practice 4
nurses, cooperation among hospitals and state 5
institutions of higher education with nursing 6
education programs, and allocations from the Nurse 7
Education Assistance Fund. 8

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

Section 1. That sections 3333.28, 4723.48, 4723.482, and 9
4723.50 be amended and section 3333.29 of the Revised Code be 10
enacted to read as follows: 11

Sec. 3333.28. (A) The chancellor of the Ohio board of regents 12
shall establish the nurse education assistance program, the 13
purpose of which shall be to make loans to students enrolled in 14
prelicensure nurse education programs at institutions approved by 15
the board of nursing under section 4723.06 of the Revised Code and 16
postlicensure nurse education programs approved by the chancellor 17
under section 3333.04 of the Revised Code or offered by an 18

institution holding a certificate of authorization issued under 19
Chapter 1713. of the Revised Code. The board of nursing shall 20
assist the chancellor in administering the program. 21

(B) There is hereby created in the state treasury the nurse 22
education assistance fund, which shall consist of all money 23
transferred to it pursuant to section 4743.05 of the Revised Code. 24
The fund shall be used by the chancellor for loans made under 25
division (A) of this section and for expenses of administering the 26
loan program. 27

(C) Between July 1, 2005, and January 1, 2012, the chancellor 28
shall distribute money in the nurse education assistance fund in 29
the following manner: 30

(1)(a) Fifty per cent of available funds shall be awarded as 31
loans to registered nurses enrolled in postlicensure nurse 32
education programs described in division (A) of this section. To 33
be eligible for a loan, the applicant shall provide the chancellor 34
with a letter of intent to practice as a faculty member at a 35
prelicensure or postlicensure program for nursing in this state 36
upon completion of the applicant's academic program. 37

(b) If the borrower of a loan under division (C)(1)(a) of 38
this section secures employment as a faculty member of an approved 39
nursing education program in this state within six months 40
following graduation from an approved nurse education program, the 41
chancellor may forgive the principal and interest of the student's 42
loans received under division (C)(1)(a) of this section at a rate 43
of twenty-five per cent per year, for a maximum of four years, for 44
each year in which the borrower is so employed. A deferment of the 45
service obligation, and other conditions regarding the forgiveness 46
of loans may be granted as provided by the rules adopted under 47
division (D)(7) of this section. 48

(c) Loans awarded under division (C)(1)(a) of this section 49

shall be awarded on the basis of the student's expected family contribution, with preference given to those applicants with the lowest expected family contribution. However, the chancellor may consider other factors the chancellor determines relevant in ranking the applications.

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

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

(3) Twenty-five per cent of available funds shall be awarded to students enrolled in ~~prelicensure professional~~ nurse education programs ~~for licensed practical nurses, as defined in section 4723.01 of the Revised Code~~ as determined by the chancellor, with preference given to programs aimed at increasing enrollment in an area of need.

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

(D) Subject to the requirements specified in division (C) of this section, the chancellor shall adopt rules in accordance with Chapter 119. of the Revised Code establishing:

(1) Eligibility criteria for receipt of a loan;

(2) Loan application procedures;

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

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

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

(6) Interest and principal repayment schedules;	80
(7) Conditions under which a portion of principal and interest obligations incurred by an individual under the program will be forgiven;	81 82 83
(8) Ways that the program may be used to encourage individuals who are members of minority groups to enter the nursing profession;	84 85 86
(9) Any other matters incidental to the operation of the program.	87 88
(E) The obligation to repay a portion of the principal and interest on a loan made under this section shall be forgiven if the recipient of the loan meets the criteria for forgiveness established by division (C)(1)(b) of this section, in the case of loans awarded under division (C)(1)(a) of this section, or by the chancellor under the rule adopted under division (D)(7) of this section, in the case of other loans awarded under this section.	89 90 91 92 93 94 95
(F) The receipt of a loan under this section shall not affect a student's eligibility for assistance, or the amount of that assistance, granted under section 3333.12, 3333.122, 3333.22, 3333.26, 3333.27, 5910.03, 5910.032, or 5919.34 of the Revised Code, but the rules of the chancellor may provide for taking assistance received under those sections into consideration when determining a student's eligibility for a loan under this section.	96 97 98 99 100 101 102
<u>Sec. 3333.29. (A) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.</u>	103 104 105
<u>(B) The chancellor of the Ohio board of regents shall establish, within the Ohio skills bank, a mechanism to facilitate communication, cooperation, and partnerships among state institutions of higher education with nursing education programs</u>	106 107 108 109

and between state institutions of higher education and hospitals 110
in this state to meet regional and statewide nursing education 111
needs. 112

Sec. 4723.48. (A) A clinical nurse specialist, certified 113
nurse-midwife, or certified nurse practitioner seeking authority 114
to prescribe drugs and therapeutic devices shall file with the 115
board of nursing a written application for a certificate to 116
prescribe. The board of nursing shall issue a certificate to 117
prescribe to each applicant who meets the requirements specified 118
in section 4723.482 or 4723.484 of the Revised Code. 119

Except as provided in division (B) of this section, the 120
initial certificate to prescribe that the board issues to an 121
applicant shall be issued as an externship certificate. Under an 122
externship certificate, the nurse may obtain experience in 123
prescribing drugs and therapeutic devices by participating in an 124
externship that evaluates the nurse's competence, knowledge, and 125
skill in pharmacokinetic principles and their clinical application 126
to the specialty being practiced. During the externship, the nurse 127
may prescribe drugs and therapeutic devices only when one or more 128
physicians are providing supervision in accordance with rules 129
adopted under section 4723.50 of the Revised Code. 130

After completing the externship, the holder of an externship 131
certificate may apply for a new certificate to prescribe. On 132
receipt of the new certificate, the nurse may prescribe drugs and 133
therapeutic devices in collaboration with one or more physicians 134
or podiatrists. 135

(B) In the case of an applicant who on May 17, 2000, was 136
approved to prescribe drugs and therapeutic devices under section 137
4723.56 of the Revised Code, as that section existed on that date, 138
the initial certificate to prescribe that the board issues to the 139
applicant under this section shall not be an externship 140

certificate. The applicant shall be issued a certificate to 141
prescribe that permits the recipient to prescribe drugs and 142
therapeutic devices in collaboration with one or more physicians 143
or podiatrists. 144

(C) In the case of an applicant who meets the requirements of 145
division (C) of section 4723.482 of the Revised Code, the initial 146
certificate to prescribe that the board issues to the applicant 147
under this section shall not be an externship certificate. The 148
applicant shall be issued a certificate to prescribe that permits 149
the recipient to prescribe drugs and therapeutic devices in 150
collaboration with one or more physicians or podiatrists. 151

Sec. 4723.482. (A) ~~An~~ Except as provided in division (C) of 152
this section, an applicant shall include with the application 153
submitted under section 4723.48 of the Revised Code all of the 154
following: 155

(1) Subject to section 4723.483 of the Revised Code, evidence 156
of holding a current, valid certificate of authority issued under 157
this chapter to practice as a clinical nurse specialist, certified 158
nurse-midwife, or certified nurse practitioner; 159

(2) Except for a person who on May 17, 2000, was approved to 160
prescribe drugs and therapeutic devices under section 4723.56 of 161
the Revised Code, as that section existed on that date, evidence 162
of successfully completing the instruction in advanced 163
pharmacology and related topics specified in division (B) of this 164
section; 165

(3) The fee required by section 4723.08 of the Revised Code 166
for a certificate to prescribe; 167

(4) Any additional information the board requires pursuant to 168
rules adopted under section 4723.50 of the Revised Code. 169

(B) All of the following apply to the instruction required 170

under division (A)(2) of this section:	171
(1) The instruction must be obtained not longer than three years before the application for the certificate to prescribe is filed.	172 173 174
(2) The instruction must be obtained through a course of study consisting of planned classroom and clinical study that is approved by the board of nursing in accordance with standards established in rules adopted under section 4723.50 of the Revised Code.	175 176 177 178 179
(3) The content of the instruction must be specific to the applicant's nursing specialty and include all of the following:	180 181
(a) A minimum of thirty contact hours of training in advanced pharmacology that includes pharmacokinetic principles and clinical application and the use of drugs and therapeutic devices in the prevention of illness and maintenance of health;	182 183 184 185
(b) Training in the fiscal and ethical implications of prescribing drugs and therapeutic devices;	186 187
(c) Training in the state and federal laws that apply to the authority to prescribe;	188 189
(d) Any additional training required pursuant to rules adopted under section 4723.50 of the Revised Code.	190 191
<u>(C) An applicant who practiced or is practicing as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner in another jurisdiction or as an employee of the United States government, and is not seeking authority to prescribe drugs and therapeutic devices by meeting the requirements of division (A) of this section, shall include with the application submitted under section 4723.48 of the Revised Code all of the following:</u>	192 193 194 195 196 197 198 199
(1) <u>Subject to section 4723.483 of the Revised Code, evidence</u>	200

of holding a current, valid certificate of authority issued under 201
this chapter to practice as a clinical nurse specialist, certified 202
nurse-midwife, or certified nurse practitioner; 203

(2) The fee required by section 4723.08 of the Revised Code 204
for a certificate to prescribe; 205

(3) Either of the following: 206

(a) Evidence of having held, for a continuous period of at 207
least one year, valid authority issued by another jurisdiction to 208
prescribe drugs and therapeutic devices; 209

(b) Evidence of having been employed by the United States 210
government and authorized, for a continuous period of at least one 211
year, to prescribe drugs and therapeutic devices in conjunction 212
with that employment. 213

(4) If the applicant includes the evidence described in 214
division (C)(3)(a) of this section, documentation from a physician 215
in a form acceptable to the board that the prescribing component 216
of the nurse's practice was, for at least one thousand hours, 217
overseen or supervised by a physician in the other jurisdiction; 218

(5) If the applicant includes the evidence described in 219
division (C)(3)(b) of this section, documentation from a physician 220
employed by the United States government in a form acceptable to 221
the board that the prescribing component of the nurse's practice 222
was, for at least one thousand hours, overseen or supervised by a 223
physician employed by the United States government; 224

(6) Any additional information the board requires pursuant to 225
rules adopted under section 4723.50 of the Revised Code. 226

Sec. 4723.50. (A) In accordance with Chapter 119. of the 227
Revised Code, the board of nursing shall adopt rules as necessary 228
to implement the provisions of this chapter pertaining to the 229
authority of clinical nurse specialists, certified nurse-midwives, 230

and certified nurse practitioners to prescribe drugs and 231
therapeutic devices and the issuance and renewal of certificates 232
to prescribe. Initial rules shall be adopted not later than twenty 233
months after ~~the effective date of this section~~ May 17, 2000. 234

The board shall adopt rules that are consistent with the 235
recommendations the board receives from the committee on 236
prescriptive governance pursuant to section 4723.492 of the 237
Revised Code. After reviewing a recommendation submitted by the 238
committee, the board may either adopt the recommendation as a rule 239
or ask the committee to reconsider and resubmit the 240
recommendation. The board shall not adopt any rule that does not 241
conform to a recommendation made by the committee. 242

(B) The board shall adopt rules under this section that do 243
all of the following: 244

(1) Establish a formulary listing the types of drugs and 245
therapeutic devices that may be prescribed by a clinical nurse 246
specialist, certified nurse-midwife, or certified nurse 247
practitioner. The formulary may include controlled substances, as 248
defined in section 3719.01 of the Revised Code. The formulary 249
shall not permit the prescribing of any drug or device to perform 250
or induce an abortion. 251

(2) Establish safety standards to be followed by a nurse when 252
personally furnishing to patients complete or partial supplies of 253
antibiotics, antifungals, scabicides, contraceptives, prenatal 254
vitamins, antihypertensives, drugs and devices used in the 255
treatment of diabetes, drugs and devices used in the treatment of 256
asthma, and drugs used in the treatment of dyslipidemia. 257

(3) Establish criteria for the components of the standard 258
care arrangements described in section 4723.431 of the Revised 259
Code that apply to a nurse's authority to prescribe. The rules 260
shall be consistent with that section and include all of the 261

following:	262
(a) Quality assurance standards;	263
(b) Standards for periodic review by a collaborating physician or podiatrist of the records of patients treated by the nurse;	264 265 266
(c) Acceptable travel time between the location at which the nurse is engaging in the prescribing components of the nurse's practice and the location of the nurse's collaborating physician or podiatrist;	267 268 269 270
(d) Any other criteria recommended by the committee on prescriptive governance.	271 272
(4) Establish standards and procedures for issuance and renewal of a certificate to prescribe, including specification of any additional information the board may require under division (A)(4) <u>or (C)(6)</u> of section 4723.482 or division (B)(3) of section 4723.484 of the Revised Code;	273 274 275 276 277
(5) Establish requirements for board approval of the instruction in advanced pharmacology and related topics required by section 4723.482 of the Revised Code;	278 279 280
(6) Establish standards and procedures for the appropriate conduct of an <u>the</u> externship required by <u>that a nurse must</u> <u>successfully complete to be eligible for a subsequent certificate</u> <u>to prescribe, as provided in</u> division (B)(1) of section 4723.484 of the Revised Code, including the following:	281 282 283 284 285
(a) Standards and procedures to be used in evaluating a nurse's participation in an externship. Regardless of the method of evaluation used, a nurse shall not be required to participate in an externship longer than one thousand eight hundred hours.	286 287 288 289
(b) Standards and procedures for the supervision that a physician must provide during an externship, including supervision	290 291

provided by working with the nurse and supervision provided by 292
making timely reviews of the records of patients treated by the 293
nurse. The manner in which supervision must be provided may vary 294
according to the location where the nurse is practicing and with 295
the nurse's level of experience. 296

Section 2. That existing sections 3333.28, 4723.48, 4723.482, 297
and 4723.50 of the Revised Code are hereby repealed. 298

Section 3. Notwithstanding the requirement of division (A) of 299
section 4723.50 of the Revised Code that the Board of Nursing 300
adopt rules consistent with the recommendations the Board receives 301
from the Committee on Prescriptive Governance, the Board shall 302
amend the rules that were adopted under section 4723.50 of the 303
Revised Code to reflect the amendment by this act of sections 304
4723.48 and 4723.482 of the Revised Code. Until the rules have 305
been amended accordingly, the Board shall not enforce any rule 306
that is inconsistent with sections 4723.48 and 4723.482 of the 307
Revised Code as amended by this act. 308