

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 485**

**Representative Pelanda**

—

**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 medication 3  
orders for the administration of drugs to patients 4  
during certain phases of patient care and to 5  
specify the circumstances in which such nurses may 6  
perform clinical support functions. 7

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

**Section 1.** That sections 4723.43, 4723.44, 4729.01, and 8  
4761.17 of the Revised Code be amended to read as follows: 9

**Sec. 4723.43.** A certified registered nurse anesthetist, 10  
clinical nurse specialist, certified nurse-midwife, or certified 11  
nurse practitioner may provide to individuals and groups nursing 12  
care that requires knowledge and skill obtained from advanced 13  
formal education and clinical experience. In this capacity as an 14  
advanced practice nurse, a certified nurse-midwife is subject to 15  
division (A) of this section, a certified registered nurse 16  
anesthetist is subject to division (B) of this section, a 17  
certified nurse practitioner is subject to division (C) of this 18  
section, and a clinical nurse specialist is subject to division 19  
(D) of this section. 20

(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 of nursing.

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, ~~and postanesthesia care, and clinical support functions, consistent with the nurse's education and certification, and in accordance with rules adopted by the board.;~~

(c) Only in a facility in which the nurse engages in the activities described in division (B)(1)(a) or (b) of this section, perform clinical support functions using the same skills and competencies the nurse uses to engage in the activities described in division (B)(1)(a) or (b) of this section;

(d) Only during the phases of patient care directly related to the activities described in divisions (B)(1)(a) to (c) of this section and subject to divisions (B)(2), (4), and (5) of this section, issue a written, oral, or electronic medication order under which the certified registered nurse anesthetist directs any of the following to administer a drug to a patient:

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

(2) When, during the performance of a clinical support function, a certified registered nurse anesthetist issues a medication order directing an individual to administer a drug to a patient receiving clinical support, the individual shall administer the drug in the immediate presence of that certified registered nurse anesthetist.

(3) A certified registered nurse anesthetist is not required to obtain a certificate to prescribe in order to provide the anesthesia care described in this division or issue a medication order.

The physician, podiatrist, or dentist supervising a certified

~~registered nurse anesthetist must be actively engaged in practice~~ 83  
~~in this state.~~ 84

(4) When a certified registered nurse anesthetist is 85  
supervised by a podiatrist, ~~the~~ all of the following conditions 86  
apply: 87

(a) The nurse's scope of practice is limited to the 88  
anesthesia procedures that the podiatrist has the authority under 89  
section 4731.51 of the Revised Code to perform. ~~A certified~~ 90  
~~registered nurse anesthetist may~~ 91

(b) The nurse shall not administer general anesthesia under 92  
the podiatrist's supervision of a podiatrist in a the podiatrist's 93  
office. ~~When~~ 94

(c) The nurse's authority to issue a medication order shall 95  
not exceed the podiatrist's authority to issue such orders. 96

(5) When a certified registered nurse anesthetist is 97  
supervised by a dentist, ~~the~~ all of the following conditions 98  
apply: 99

(a) The nurse's scope of practice is limited to the 100  
anesthesia procedures that the dentist has the authority under 101  
Chapter 4715. of the Revised Code to perform. 102

(b) The nurse's authority to issue a medication order shall 103  
not exceed the dentist's authority to issue such orders. 104

(c) The nurse shall not issue a medication order for 105  
treatment of a patient in a dental office. 106

(C) A nurse authorized to practice as a certified nurse 107  
practitioner, in collaboration with one or more physicians or 108  
podiatrists, may provide preventive and primary care services and 109  
evaluate and promote patient wellness within the nurse's nursing 110  
specialty, consistent with the nurse's education and 111  
certification, and in accordance with rules adopted by the board. 112

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.

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.

(D) A nurse authorized to practice as a clinical nurse  
specialist, in collaboration with one or more physicians or  
podiatrists, may provide and manage the care of individuals and  
groups with complex health problems and provide health care  
services that promote, improve, and manage health care within the  
nurse's nursing specialty, consistent with the nurse's education  
and in accordance with rules adopted by the board. A clinical  
nurse specialist 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.

When a clinical nurse specialist 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.

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

(1) Engage in the practice of nursing as a certified

registered nurse anesthetist, clinical nurse specialist, certified 144  
nurse-midwife, or certified nurse practitioner for a fee, salary, 145  
or other consideration, or as a volunteer; 146

(2) Represent the person as being a certified registered 147  
nurse anesthetist, clinical nurse specialist, certified 148  
nurse-midwife, or certified nurse practitioner; 149

(3) Use any title or initials implying that the person is a 150  
certified registered nurse anesthetist, clinical nurse specialist, 151  
certified nurse-midwife, or certified nurse practitioner; 152

(4) Represent the person as being an advanced practice nurse; 153

(5) Use any title or initials implying that the person is an 154  
advanced practice nurse. 155

(B) No person who is not certified by the national council on 156  
certification of nurse anesthetists of the American association of 157  
nurse anesthetists, the national council on recertification of 158  
nurse anesthetists of the American association of nurse 159  
anesthetists, or another national certifying organization approved 160  
by the board under section 4723.46 of the Revised Code shall use 161  
the title "certified registered nurse anesthetist" or the initials 162  
"C.R.N.A.," or any other title or initial implying that the person 163  
has been certified by the council or organization. 164

(C) No certified registered nurse anesthetist, clinical nurse 165  
specialist, certified nurse-midwife, or certified nurse 166  
practitioner shall do any of the following: 167

(1) Engage, for a fee, salary, or other consideration, or as 168  
a volunteer, in the practice of a nursing specialty other than the 169  
specialty designated on the nurse's current, valid certificate of 170  
authority issued by the board under this chapter; 171

(2) Represent the person as being authorized to practice any 172  
nursing specialty other than the specialty designated on the 173

current, valid certificate of authority; 174

(3) Use the title "certified registered nurse anesthetist" or 175  
the initials "N.A." or "C.R.N.A.," the title "clinical nurse 176  
specialist" or the initials "C.N.S.," the title "certified 177  
nurse-midwife" or the initials "C.N.M.," the title "certified 178  
nurse practitioner" or the initials "C.N.P.," the title "advanced 179  
practice nurse" or the initials "A.P.N.," or any other title or 180  
initials implying that the nurse is authorized to practice any 181  
nursing specialty other than the specialty designated on the 182  
nurse's current, valid certificate of authority; 183

(4) Enter into a standard care arrangement with a physician 184  
or podiatrist whose practice is not the same as or similar to the 185  
nurse's nursing specialty; 186

(5) Prescribe (a) In the case of a clinical nurse specialist, 187  
certified nurse-midwife, or certified nurse practitioner, 188  
prescribe or issue orders for drugs or therapeutic devices unless 189  
the nurse holds a current, valid certificate to prescribe issued 190  
under section 4723.48 of the Revised Code; 191

(b) In the case of a certified registered nurse anesthetist, 192  
issue medication orders in a manner that does not comply with 193  
division (B) of section 4723.43 of the Revised Code. 194

(6) Prescribe In the case of a clinical nurse specialist, 195  
certified nurse-midwife, or certified nurse practitioner who holds 196  
a certificate to prescribe issued under section 4723.48 of the 197  
Revised Code, prescribe or issue orders for drugs or therapeutic 198  
devices ~~under a certificate to prescribe~~ in a manner that does not 199  
comply with section 4723.481 of the Revised Code; 200

(7) Prescribe any drug or device to perform or induce an 201  
abortion, or otherwise ~~Perform~~ perform or induce an abortion. 202

(D) No person shall knowingly employ a person to engage in 203  
the practice of nursing as a certified registered nurse 204

anesthetist, clinical nurse specialist, certified nurse-midwife, 205  
or certified nurse practitioner unless the person so employed 206  
holds a current, valid certificate of authority to engage in that 207  
nursing specialty issued by the board under this chapter. 208

(E) A certificate certified by the executive director of the 209  
board, under the official seal of the board, to the effect that it 210  
appears from the records that no certificate of authority to 211  
practice nursing as a certified registered nurse anesthetist, 212  
clinical nurse specialist, certified nurse-midwife, or certified 213  
nurse practitioner has been issued to any person specified 214  
therein, or that a certificate, if issued, has been revoked or 215  
suspended, shall be received as prima-facie evidence of the record 216  
in any court or before any officer of the state. 217

**Sec. 4729.01.** As used in this chapter: 218

(A) "Pharmacy," except when used in a context that refers to 219  
the practice of pharmacy, means any area, room, rooms, place of 220  
business, department, or portion of any of the foregoing where the 221  
practice of pharmacy is conducted. 222

(B) "Practice of pharmacy" means providing pharmacist care 223  
requiring specialized knowledge, judgment, and skill derived from 224  
the principles of biological, chemical, behavioral, social, 225  
pharmaceutical, and clinical sciences. As used in this division, 226  
"pharmacist care" includes the following: 227

(1) Interpreting prescriptions; 228

(2) Dispensing drugs and drug therapy related devices; 229

(3) Compounding drugs; 230

(4) Counseling individuals with regard to their drug therapy, 231  
recommending drug therapy related devices, and assisting in the 232  
selection of drugs and appliances for treatment of common diseases 233  
and injuries and providing instruction in the proper use of the 234



drugs and appliances;	235
(5) Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and explaining the interactions of the drugs;	236 237 238
(6) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber;	239 240 241 242
(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;	243 244 245
(8) Acting pursuant to a consult agreement with a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, if an agreement has been established with the physician;	246 247 248 249
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code.	250 251
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	252 253 254
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	255 256
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	257 258
(3) As an incident to research, teaching activities, or chemical analysis;	259 260
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	261 262 263
(5) Pursuant to a request made by a licensed health	264

professional authorized to prescribe drugs for a drug that is to 265  
be used by the professional for the purpose of direct 266  
administration to patients in the course of the professional's 267  
practice, if all of the following apply: 268

(a) At the time the request is made, the drug is not 269  
commercially available regardless of the reason that the drug is 270  
not available, including the absence of a manufacturer for the 271  
drug or the lack of a readily available supply of the drug from a 272  
manufacturer. 273

(b) A limited quantity of the drug is compounded and provided 274  
to the professional. 275

(c) The drug is compounded and provided to the professional 276  
as an occasional exception to the normal practice of dispensing 277  
drugs pursuant to patient-specific prescriptions. 278

(D) "Consult agreement" means an agreement to manage an 279  
individual's drug therapy that has been entered into by a 280  
pharmacist and a physician authorized under Chapter 4731. of the 281  
Revised Code to practice medicine and surgery or osteopathic 282  
medicine and surgery. 283

(E) "Drug" means: 284

(1) Any article recognized in the United States pharmacopoeia 285  
and national formulary, or any supplement to them, intended for 286  
use in the diagnosis, cure, mitigation, treatment, or prevention 287  
of disease in humans or animals; 288

(2) Any other article intended for use in the diagnosis, 289  
cure, mitigation, treatment, or prevention of disease in humans or 290  
animals; 291

(3) Any article, other than food, intended to affect the 292  
structure or any function of the body of humans or animals; 293

(4) Any article intended for use as a component of any 294

article specified in division (E)(1), (2), or (3) of this section; 295  
but does not include devices or their components, parts, or 296  
accessories. 297

(F) "Dangerous drug" means any of the following: 298

(1) Any drug to which either of the following applies: 299

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 300  
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 301  
required to bear a label containing the legend "Caution: Federal 302  
law prohibits dispensing without prescription" or "Caution: 303  
Federal law restricts this drug to use by or on the order of a 304  
licensed veterinarian" or any similar restrictive statement, or 305  
the drug may be dispensed only upon a prescription; 306

(b) Under Chapter 3715. or 3719. of the Revised Code, the 307  
drug may be dispensed only upon a prescription. 308

(2) Any drug that contains a schedule V controlled substance 309  
and that is exempt from Chapter 3719. of the Revised Code or to 310  
which that chapter does not apply; 311

(3) Any drug intended for administration by injection into 312  
the human body other than through a natural orifice of the human 313  
body. 314

(G) "Federal drug abuse control laws" has the same meaning as 315  
in section 3719.01 of the Revised Code. 316

(H) "Prescription" means a written, electronic, or oral order 317  
for drugs or combinations or mixtures of drugs to be used by a 318  
particular individual or for treating a particular animal, issued 319  
by a licensed health professional authorized to prescribe drugs. 320

(I) "Licensed health professional authorized to prescribe 321  
drugs" or "prescriber" means an individual who is authorized by 322  
law to prescribe drugs or dangerous drugs or drug therapy related 323  
devices in the course of the individual's professional practice, 324

including only the following:	325
(1) A dentist licensed under Chapter 4715. of the Revised Code;	326 327
(2) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code;	328 329 330
(3) <u>A certified registered nurse anesthetist, to the extent that the nurse is authorized by division (B) of section 4723.43 of the Revised Code to order the administration of a drug to a patient;</u>	331 332 333 334
<u>(4)</u> An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry under a therapeutic pharmaceutical agents certificate;	335 336 337
<del>(4)</del> <u>(5)</u> A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	338 339 340
<del>(5)</del> <u>(6)</u> A physician assistant who holds a certificate to prescribe issued under Chapter 4730. of the Revised Code;	341 342
<del>(6)</del> <u>(7)</u> A veterinarian licensed under Chapter 4741. of the Revised Code.	343 344
(J) "Sale" and "sell" include delivery, transfer, barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal proprietor, agent, or employee.	345 346 347 348
(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser.	349 350 351
(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.	352 353
(M) "Retail seller" means any person that sells any dangerous	354

drug to consumers without assuming control over and responsibility 355  
for its administration. Mere advice or instructions regarding 356  
administration do not constitute control or establish 357  
responsibility. 358

(N) "Price information" means the price charged for a 359  
prescription for a particular drug product and, in an easily 360  
understandable manner, all of the following: 361

(1) The proprietary name of the drug product; 362

(2) The established (generic) name of the drug product; 363

(3) The strength of the drug product if the product contains 364  
a single active ingredient or if the drug product contains more 365  
than one active ingredient and a relevant strength can be 366  
associated with the product without indicating each active 367  
ingredient. The established name and quantity of each active 368  
ingredient are required if such a relevant strength cannot be so 369  
associated with a drug product containing more than one 370  
ingredient. 371

(4) The dosage form; 372

(5) The price charged for a specific quantity of the drug 373  
product. The stated price shall include all charges to the 374  
consumer, including, but not limited to, the cost of the drug 375  
product, professional fees, handling fees, if any, and a statement 376  
identifying professional services routinely furnished by the 377  
pharmacy. Any mailing fees and delivery fees may be stated 378  
separately without repetition. The information shall not be false 379  
or misleading. 380

(O) "Wholesale distributor of dangerous drugs" means a person 381  
engaged in the sale of dangerous drugs at wholesale and includes 382  
any agent or employee of such a person authorized by the person to 383  
engage in the sale of dangerous drugs at wholesale. 384

(P) "Manufacturer of dangerous drugs" means a person, other 385  
than a pharmacist, who manufactures dangerous drugs and who is 386  
engaged in the sale of those dangerous drugs within this state. 387

(Q) "Terminal distributor of dangerous drugs" means a person 388  
who is engaged in the sale of dangerous drugs at retail, or any 389  
person, other than a wholesale distributor or a pharmacist, who 390  
has possession, custody, or control of dangerous drugs for any 391  
purpose other than for that person's own use and consumption, and 392  
includes pharmacies, hospitals, nursing homes, and laboratories 393  
and all other persons who procure dangerous drugs for sale or 394  
other distribution by or under the supervision of a pharmacist or 395  
licensed health professional authorized to prescribe drugs. 396

(R) "Promote to the public" means disseminating a 397  
representation to the public in any manner or by any means, other 398  
than by labeling, for the purpose of inducing, or that is likely 399  
to induce, directly or indirectly, the purchase of a dangerous 400  
drug at retail. 401

(S) "Person" includes any individual, partnership, 402  
association, limited liability company, or corporation, the state, 403  
any political subdivision of the state, and any district, 404  
department, or agency of the state or its political subdivisions. 405

(T) "Finished dosage form" has the same meaning as in section 406  
3715.01 of the Revised Code. 407

(U) "Generically equivalent drug" has the same meaning as in 408  
section 3715.01 of the Revised Code. 409

(V) "Animal shelter" means a facility operated by a humane 410  
society or any society organized under Chapter 1717. of the 411  
Revised Code or a dog pound operated pursuant to Chapter 955. of 412  
the Revised Code. 413

(W) "Food" has the same meaning as in section 3715.01 of the 414  
Revised Code. 415

(X) "Pain management clinic" has the same meaning as in 416  
section 4731.054 of the Revised Code. 417

**Sec. 4761.17.** All of the following apply to the practice of 418  
respiratory care by a person who holds a license or limited permit 419  
issued under this chapter: 420

(A) The person shall practice only pursuant to a 421  
prescription, medication order, or other order for respiratory 422  
care issued by a ~~physician or by a~~ one or more of the following: 423

(1) A physician; 424

(2) A registered nurse who holds a certificate of authority 425  
issued under Chapter 4723. of the Revised Code to practice as a 426  
certified nurse practitioner or clinical nurse specialist and has 427  
entered into a standard care arrangement with a physician that 428  
allows the nurse to prescribe or order respiratory care services; 429

(3) A certified registered nurse anesthetist when the order 430  
for the administration of drugs is issued in accordance with 431  
division (B) of section 4723.43 of the Revised Code. 432

(B) The person shall practice only under one of the following 433  
conditions: 434

(1) Pursuant to the supervision of a physician ~~or under;~~ 435

(2) Pursuant to the supervision of a certified nurse 436  
practitioner or clinical nurse specialist who is authorized to 437  
prescribe or order respiratory care services as provided in 438  
division (A)(2) of this section; 439

(3) Pursuant to the authority of a certified registered nurse 440  
anesthetist who is supervised by a physician in accordance with 441  
division (B) of section 4723.43 of the Revised Code. 442

(C)(1) When practicing under the prescription or order of a 443  
certified nurse practitioner or clinical nurse specialist or ~~under~~ 444

pursuant to the supervision of such a nurse, the person's 445  
administration of medication that requires a prescription is 446  
limited to the drugs that the nurse is authorized to prescribe 447  
pursuant to the nurse's certificate to prescribe issued under 448  
section 4723.48 of the Revised Code. 449

(2) When practicing under a medication order issued by a 450  
certified registered nurse anesthetist or pursuant to the 451  
authority of such a nurse, the person's administration of 452  
medication shall occur only during the phases of patient care 453  
directly related to the nurse's activities described in divisions 454  
(B)(1)(a) to (c) of section 4723.43 of the Revised Code and in 455  
accordance with the nurse's authority to order the administration 456  
of a drug to a patient during those phases. 457

**Section 2.** That existing sections 4723.43, 4723.44, 4729.01, 458  
and 4761.17 of the Revised Code are hereby repealed. 459