

As Introduced

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

S. B. No. 228

Senator Burke

Cosponsors: Senators Lehner, Schiavoni, Tavares, 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 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 21
nurse-midwife, in collaboration with one or more physicians, may 22
provide the management of preventive services and those primary 23
care services necessary to provide health care to women 24
antepartally, intrapartally, postpartally, and gynecologically, 25
consistent with the nurse's education and certification, and in 26
accordance with rules adopted by the board of nursing. 27

No certified nurse-midwife may perform version, deliver 28
breech or face presentation, use forceps, do any obstetric 29
operation, or treat any other abnormal condition, except in 30
emergencies. Division (A) of this section does not prohibit a 31
certified nurse-midwife from performing episiotomies or normal 32
vaginal deliveries, or repairing vaginal tears. A certified 33
nurse-midwife who holds a certificate to prescribe issued under 34
section 4723.48 of the Revised Code may, in collaboration with one 35
or more physicians, prescribe drugs and therapeutic devices in 36
accordance with section 4723.481 of the Revised Code. 37

(B)(1) A nurse authorized to practice as a certified 38
registered nurse anesthetist, with the supervision ~~and in the~~ 39
~~immediate presence~~ of a physician, podiatrist, or dentist who is 40
actively engaged in practice in this state, consistent with the 41
nurse's education and certification, and in accordance with rules 42
adopted by the board, may administer do all of the following: 43

(a) While in the immediate presence of a physician, 44
podiatrist, or dentist, administer anesthesia and perform 45
anesthesia induction, maintenance, and emergence, ~~and may perform~~ 46
~~with supervision;~~ 47

(b) Perform preanesthetic preparation and evaluation, ~~and~~ 48
postanesthesia care, ~~and clinical support functions, consistent~~ 49
~~with the nurse's education and certification, and in accordance~~ 50

~~with rules adopted by the board.;~~ 51

(c) Only in a facility in which the nurse engages in the 52
activities described in division (B)(1)(a) or (b) of this section, 53
perform clinical support functions using the same skills and 54
competencies the nurse uses to engage in the activities described 55
in division (B)(1)(a) or (b) of this section; 56

(d) Only during the phases of patient care directly related 57
to the activities described in divisions (B)(1)(a) to (c) of this 58
section and subject to divisions (B)(2), (4), and (5) of this 59
section, issue a written, oral, or electronic medication order 60
under which the certified registered nurse anesthetist directs any 61
of the following to administer a drug to a patient: 62

(i) An individual who is licensed under this chapter as a 63
registered nurse or a licensed practical nurse and is acting 64
within the scope of that individual's practice; 65

(ii) An individual who is licensed under Chapter 4761. of the 66
Revised Code as a respiratory therapist and is acting within the 67
scope of that individual's practice; 68

(iii) Any other individual who is licensed or otherwise 69
specifically authorized by the Revised Code to administer drugs 70
and is acting within the scope of that individual's practice. 71

(2) When, during the performance of a clinical support 72
function, a certified registered nurse anesthetist issues a 73
medication order directing an individual to administer a drug to a 74
patient receiving clinical support, the individual shall 75
administer the drug in the immediate presence of that certified 76
registered nurse anesthetist. 77

(3) A certified registered nurse anesthetist is not required 78
to obtain a certificate to prescribe in order to provide the 79
anesthesia care described in this division ~~or~~ issue a medication 80
order. 81

~~The physician, podiatrist, or dentist supervising a certified registered nurse anesthetist must be actively engaged in practice in this state.~~ 82
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(4) When a certified registered nurse anesthetist is supervised by a podiatrist, ~~the~~ all 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 podiatrist has the authority under section 4731.51 of the Revised Code to perform. ~~A certified registered nurse anesthetist may~~ 88
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(b) The nurse shall not administer general anesthesia under the podiatrist's supervision ~~of a podiatrist~~ in a the podiatrist's office. ~~When~~ 92
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(c) The nurse's authority to issue a medication order shall not exceed the podiatrist's authority to issue such orders. 95
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(5) ~~When~~ a certified registered nurse anesthetist is supervised by a dentist, ~~the~~ all of the following conditions apply: 97
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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. 100
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(b) The nurse's authority to issue a medication order shall not exceed the dentist's authority to issue such orders. 103
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(c) The nurse shall not issue a medication order for treatment of a patient in a dental office. 105
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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 107
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certification, and in accordance with rules adopted by the board. 112
A certified nurse practitioner who holds a certificate to 113
prescribe issued under section 4723.48 of the Revised Code may, in 114
collaboration with one or more physicians or podiatrists, 115
prescribe drugs and therapeutic devices in accordance with section 116
4723.481 of the Revised Code. 117

When a certified nurse practitioner is collaborating with a 118
podiatrist, the nurse's scope of practice is limited to the 119
procedures that the podiatrist has the authority under section 120
4731.51 of the Revised Code to perform. 121

(D) A nurse authorized to practice as a clinical nurse 122
specialist, in collaboration with one or more physicians or 123
podiatrists, may provide and manage the care of individuals and 124
groups with complex health problems and provide health care 125
services that promote, improve, and manage health care within the 126
nurse's nursing specialty, consistent with the nurse's education 127
and in accordance with rules adopted by the board. A clinical 128
nurse specialist who holds a certificate to prescribe issued under 129
section 4723.48 of the Revised Code may, in collaboration with one 130
or more physicians or podiatrists, prescribe drugs and therapeutic 131
devices in accordance with section 4723.481 of the Revised Code. 132

When a clinical nurse specialist is collaborating with a 133
podiatrist, the nurse's scope of practice is limited to the 134
procedures that the podiatrist has the authority under section 135
4731.51 of the Revised Code to perform. 136

Sec. 4723.44. (A) No person shall do any of the following 137
unless the person holds a current, valid certificate of authority 138
to practice nursing as a certified registered nurse anesthetist, 139
clinical nurse specialist, certified nurse-midwife, or certified 140
nurse practitioner issued by the board of nursing under this 141
chapter: 142

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

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

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

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

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

(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.

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

(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;

(2) Represent the person as being authorized to practice any

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 drugs and appliances;	234 235
(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 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:

(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.

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

(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.

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

(E) "Drug" means:

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

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

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

(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
(4) <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
(5) <u>(6)</u> A physician assistant who holds a certificate to prescribe issued under Chapter 4730. of the Revised Code;	341 342
(6) <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 drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish responsibility.

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

(1) The proprietary name of the drug product;

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

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

(4) The dosage form;

(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.

(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.

(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