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Am. H. B. No. 139

Representative Gonzales

**Cosponsors: Representatives Hackett, Letson, Antonio, Wachtmann,
Bishoff, Brown, Hill, Lynch, Ramos, Sears, Smith, Anielski, Barborak,
Barnes, Beck, Blessing, Boose, Boyd, Brenner, Celebrezze, Curtin,
Damschroder, DeVitis, Driehaus, Fedor, Green, Hagan, C., Hall, Hayes, Hood,
Milkovich, O'Brien, Patmon, Patterson, Pelanda, Reece, Retherford, Roegner,
Rogers, Rosenberger, Scherer, Sheehy, Stinziano, Strahorn, Winburn**

Speaker Batchelder

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A B I L L

To amend sections 3727.06, 4723.431, and 4730.09 of 1
the Revised Code to permit certain advanced 2
practice registered nurses and physician 3
assistants to admit patients to hospitals. 4

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

Section 1. That sections 3727.06, 4723.431, and 4730.09 of 5
the Revised Code be amended to read as follows: 6

Sec. 3727.06. (A) As used in this section: 7

(1) "Doctor" means an individual authorized to practice 8
medicine and surgery or osteopathic medicine and surgery. 9

(2) "Podiatrist" means an individual authorized to practice 10
podiatric medicine and surgery. 11

(B)(1) Only a the following may admit a patient to a 12

<u>hospital:</u>	13
<u>(a) A doctor who is a member of the hospital's medical</u>	14
<u>staff;</u>	15
<u>(b) A dentist who is a member of the hospital's medical</u>	16
<u>staff;</u>	17
<u>(c) A podiatrist who is a member of the hospital's medical</u>	18
<u>staff may admit a patient to a hospital;</u>	19
<u>(d) A clinical nurse specialist, certified nurse-midwife, or</u>	20
<u>certified nurse practitioner if all of the following conditions</u>	21
<u>are met:</u>	22
<u>(i) The clinical nurse specialist, certified nurse-midwife,</u>	23
<u>or certified nurse practitioner has a standard care arrangement</u>	24
<u>entered into pursuant to section 4723.431 of the Revised Code with</u>	25
<u>a collaborating doctor or podiatrist who is a member of the</u>	26
<u>medical staff;</u>	27
<u>(ii) The patient will be under the medical supervision of the</u>	28
<u>collaborating doctor or podiatrist;</u>	29
<u>(iii) The hospital has granted the clinical nurse specialist,</u>	30
<u>certified nurse-midwife, or certified nurse practitioner admitting</u>	31
<u>privileges and appropriate credentials.</u>	32
<u>(e) A physician assistant if all of the following conditions</u>	33
<u>are met:</u>	34
<u>(i) The physician assistant is listed on a supervision</u>	35
<u>agreement approved under section 4730.19 of the Revised Code for a</u>	36
<u>doctor or podiatrist who is a member of the hospital's medical</u>	37
<u>staff.</u>	38
<u>(ii) The patient will be under the medical supervision of the</u>	39
<u>supervising doctor or podiatrist.</u>	40
<u>(iii) The hospital has granted the physician assistant</u>	41
<u>admitting privileges and appropriate credentials.</u>	42

(2) Prior to admitting a patient, a clinical nurse specialist, certified nurse-midwife, certified nurse practitioner, or physician assistant shall notify the collaborating or supervising doctor or podiatrist of the planned admission.

(C) All hospital patients shall be under the medical supervision of a doctor, except that services that may be rendered by a licensed dentist pursuant to Chapter 4715. of the Revised Code provided to patients admitted solely for the purpose of receiving such services shall be under the supervision of the admitting dentist and that services that may be rendered by a podiatrist pursuant to section 4731.51 of the Revised Code provided to patients admitted solely for the purpose of receiving such services shall be under the supervision of the admitting podiatrist. If treatment not within the scope of Chapter 4715. or section 4731.51 of the Revised Code is required at the time of admission by a dentist or podiatrist, or becomes necessary during the course of hospital treatment by a dentist or podiatrist, such treatment shall be under the supervision of a doctor who is a member of the medical staff. It shall be the responsibility of the admitting dentist or podiatrist to make arrangements with a doctor who is a member of the medical staff to be responsible for the patient's treatment outside the scope of Chapter 4715. or section 4731.51 of the Revised Code when necessary during the patient's stay in the hospital.

Sec. 4723.431. (A) Except as provided in division (D)(1) of this section, a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may practice only in accordance with a standard care arrangement entered into with each physician or podiatrist with whom the nurse collaborates. A copy of the standard care arrangement shall be retained on file at each site where the nurse practices. Prior approval of the standard care arrangement by the board of nursing is not required,

but the board may periodically review it for compliance with this 75
section. 76

A clinical nurse specialist, certified nurse-midwife, or 77
certified nurse practitioner may enter into a standard care 78
arrangement with one or more collaborating physicians or 79
podiatrists. Not later than thirty days after first engaging in 80
the practice of nursing as a clinical nurse specialist, certified 81
nurse-midwife, or certified nurse practitioner, the nurse shall 82
submit to the board the name and business address of each 83
collaborating physician or podiatrist. Thereafter, the nurse shall 84
give to the board written notice of any additions or deletions to 85
the nurse's collaborating physicians or podiatrists not later than 86
thirty days after the change takes effect. 87

Each collaborating physician or podiatrist must be actively 88
engaged in direct clinical practice in this state and practicing 89
in a specialty that is the same as or similar to the nurse's 90
nursing specialty. If a collaborating physician or podiatrist 91
enters into standard care arrangements with more than three nurses 92
who hold certificates to prescribe issued under section 4723.48 of 93
the Revised Code, the physician or podiatrist shall not 94
collaborate at the same time with more than three of the nurses in 95
the prescribing component of their practices. 96

(B) A standard care arrangement shall be in writing and, 97
except as provided in division (D)(2) of this section, shall 98
contain all of the following: 99

(1) Criteria for referral of a patient by the clinical nurse 100
specialist, certified nurse-midwife, or certified nurse 101
practitioner to a collaborating physician or podiatrist; 102

(2) A process for the clinical nurse specialist, certified 103
nurse-midwife, or certified nurse practitioner to obtain a 104
consultation with a collaborating physician or podiatrist; 105

(3) A plan for coverage in instances of emergency or planned absences of either the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner or a collaborating physician or podiatrist that provides the means whereby a physician or podiatrist is available for emergency care;

(4) The process for resolution of disagreements regarding matters of patient management between the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner and a collaborating physician or podiatrist;

(5) A procedure for a regular review of the referrals by the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to other health care professionals and the care outcomes for a random sample of all patients seen by the nurse;

(6) If the clinical nurse specialist or certified nurse practitioner regularly provides services to infants, a policy for care of infants up to age one and recommendations for collaborating physician visits for children from birth to age three;

(7) Any other criteria required by rule of the board adopted pursuant to section 4723.07 or 4723.50 of the Revised Code.

(C)(1) A standard care arrangement entered into pursuant to this section may permit a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to supervise services provided by a home health agency as defined in section 3701.881 of the Revised Code.

(2) A standard care arrangement entered into pursuant to this section may permit a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to admit a patient to a hospital in accordance with section 3727.06 of the Revised Code.

(D)(1) A clinical nurse specialist who does not hold a

certificate to prescribe and whose nursing specialty is mental 137
health or psychiatric mental health, as determined by the board, 138
is not required to enter into a standard care arrangement, but 139
shall practice in collaboration with one or more physicians. 140

(2) If a clinical nurse specialist practicing in either of 141
the specialties specified in division (D)(1) of this section holds 142
a certificate to prescribe, the nurse shall enter into a standard 143
care arrangement with one or more physicians. The standard care 144
arrangement must meet the requirements of division (B) of this 145
section, but only to the extent necessary to address the 146
prescribing component of the nurse's practice. 147

(E) Nothing in this section prohibits a hospital from hiring 148
a clinical nurse specialist, certified nurse-midwife, or certified 149
nurse practitioner as an employee and negotiating standard care 150
arrangements on behalf of the employee as necessary to meet the 151
requirements of this section. A standard care arrangement between 152
the hospital's employee and the employee's collaborating physician 153
is subject to approval by the medical staff and governing body of 154
the hospital prior to implementation of the arrangement at the 155
hospital. 156

Sec. 4730.09. (A) Under a physician supervisory plan approved 157
under section 4730.17 of the Revised Code, a physician assistant 158
may provide any or all of the following services without approval 159
by the state medical board as special services: 160

(1) Obtaining comprehensive patient histories; 161

(2) Performing physical examinations, including audiometry 162
screening, routine visual screening, and pelvic, rectal, and 163
genital-urinary examinations, when indicated; 164

(3) Ordering, performing, or ordering and performing routine 165
diagnostic procedures, as indicated; 166

(4) Identifying normal and abnormal findings on histories,	167
physical examinations, and commonly performed diagnostic studies;	168
(5) Assessing patients and developing and implementing	169
treatment plans for patients;	170
(6) Monitoring the effectiveness of therapeutic	171
interventions;	172
(7) Exercising physician-delegated prescriptive authority	173
pursuant to a certificate to prescribe issued under this chapter;	174
(8) Carrying out or relaying the supervising physician's	175
orders for the administration of medication, to the extent	176
permitted by law;	177
(9) Providing patient education;	178
(10) Instituting and changing orders on patient charts;	179
(11) Performing developmental screening examinations on	180
children with regard to neurological, motor, and mental functions;	181
(12) Performing wound care management, suturing minor	182
lacerations and removing the sutures, and incision and drainage of	183
uncomplicated superficial abscesses;	184
(13) Removing superficial foreign bodies;	185
(14) Administering intravenous fluids;	186
(15) Inserting a foley or cudae catheter into the urinary	187
bladder and removing the catheter;	188
(16) Performing biopsies of superficial lesions;	189
(17) Making appropriate referrals as directed by the	190
supervising physician;	191
(18) Performing penile duplex ultrasound;	192
(19) Changing of a tracheostomy;	193
(20) Performing bone marrow aspirations from the posterior	194

iliac crest;	195
(21) Performing bone marrow biopsies from the posterior iliac crest;	196
(22) Performing cystograms;	198
(23) Performing nephrostograms after physician placement of nephrostomy tubes;	199
(24) Fitting, inserting, or removing birth control devices;	201
(25) Removing cervical polyps;	202
(26) Performing nerve conduction testing;	203
(27) Performing endometrial biopsies;	204
(28) Inserting filiform and follower catheters;	205
(29) Performing arthrocentesis of the knee;	206
(30) Performing knee joint injections;	207
(31) Performing endotracheal intubation with successful completion of an advanced cardiac life support course;	208
(32) Performing lumbar punctures;	209
(33) In accordance with rules adopted by the board, using light-based medical devices for the purpose of hair removal;	211
(34) Administering, monitoring, or maintaining local anesthesia, as defined in section 4730.091 of the Revised Code;	212
(35) Applying or removing a cast or splint;	213
(36) Inserting or removing chest tubes;	214
(37) Prescribing physical therapy or referring a patient to a physical therapist for the purpose of receiving physical therapy;	215
(38) Ordering occupational therapy or referring a patient to an occupational therapist for the purpose of receiving occupational therapy;	217
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(39) Taking any action that may be taken by an attending physician under sections 2133.21 to 2133.26 of the Revised Code, as specified in section 2133.211 of the Revised Code;	222 223 224
(40) Determining and pronouncing death in accordance with section 4730.092 of the Revised Code;	225 226
(41) <u>Admitting patients to hospitals in accordance with section 3727.06 of the Revised Code;</u>	227 228
(42) Performing other services that are within the supervising physician's normal course of practice and expertise, if the services are included in any model physician supervisory plan approved under section 4730.06 of the Revised Code or the services are designated by the board by rule or other means as services that are not subject to approval as special services.	229 230 231 232 233 234
(B) Under the policies of a health care facility, the services a physician assistant may provide are limited to the services the facility has authorized the physician assistant to provide for the facility. The services a health care facility may authorize a physician assistant to provide for the facility include the following:	235 236 237 238 239 240
(1) Any or all of the services specified in division (A) of this section;	241 242
(2) Assisting in surgery in the health care facility;	243
(3) Any other services permitted by the policies of the health care facility, except that the facility may not authorize a physician assistant to perform a service that is prohibited by this chapter.	244 245 246 247
Section 2. That existing sections 3727.06, 4723.431, and 4730.09 of the Revised Code are hereby repealed.	248 249