

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**H. B. No. 301**

**Representatives Pelanda, Bishoff**

**Cosponsors: Representatives Hood, Blessing, Brenner, Antonio, Reece,  
Fedor**

**—**

**A B I L L**

To amend sections 4723.48 and 4723.50 and to enact 1  
section 4723.488 of the Revised Code to authorize 2  
a person not otherwise authorized to do so to 3  
administer certain drugs pursuant to delegation by 4  
an advanced practice registered nurse who holds a 5  
certificate to prescribe. 6

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

**Section 1.** That sections 4723.48 and 4723.50 be amended and 7  
section 4723.488 of the Revised Code be enacted to read as 8  
follows: 9

**Sec. 4723.48.** (A) A clinical nurse specialist, certified 10  
nurse-midwife, or certified nurse practitioner seeking authority 11  
to prescribe drugs and therapeutic devices shall file with the 12  
board of nursing a written application for a certificate to 13  
prescribe. The board of nursing shall issue a certificate to 14  
prescribe to each applicant who meets the requirements specified 15  
in section 4723.482 or 4723.485 of the Revised Code. 16

Except as provided in division (B) of this section, the 17  
initial certificate to prescribe that the board issues to an 18

applicant shall be issued as an externship certificate. Under an 19  
externship certificate, the nurse may obtain experience in 20  
prescribing drugs and therapeutic devices by participating in an 21  
externship that evaluates the nurse's competence, knowledge, and 22  
skill in pharmacokinetic principles and their clinical application 23  
to the specialty being practiced. During the externship, the nurse 24  
may prescribe drugs and therapeutic devices only when one or more 25  
physicians are providing supervision in accordance with rules 26  
adopted under section 4723.50 of the Revised Code. 27

After completing the externship, the holder of an externship 28  
certificate may apply for a new certificate to prescribe. On 29  
receipt of the new certificate, the nurse may prescribe drugs and 30  
therapeutic devices in collaboration with one or more physicians 31  
or podiatrists. 32

(B) In the case of an applicant who meets the requirements of 33  
division (C) of section 4723.482 of the Revised Code, the initial 34  
certificate to prescribe that the board issues to the applicant 35  
under this section shall not be an externship certificate. The 36  
applicant shall be issued a certificate to prescribe that permits 37  
the recipient to prescribe drugs and therapeutic devices in 38  
collaboration with one or more physicians or podiatrists. 39

(C)(1) The holder of a certificate issued under this section 40  
may delegate to a person not otherwise authorized to administer 41  
drugs the authority to administer a drug, other than a controlled 42  
substance, listed in the formulary established under division 43  
(B)(1) of section 4723.50 of the Revised Code to a specified 44  
patient. The delegation shall be in accordance with division 45  
(C)(2) of this section and standards and procedures established in 46  
rules adopted under division (B)(8) of section 4723.50 of the 47  
Revised Code. 48

(2) Prior to delegating authority, the certificate holder 49  
shall do both of the following: 50

(a) Assess the patient and determine that the drug is 51  
appropriate for the patient; 52

(b) Determine that the person to whom the authority will be 53  
delegated has met the conditions specified in division (D) of 54  
section 4723.488 of the Revised Code. 55

**Sec. 4723.488.** A person not otherwise authorized to 56  
administer drugs may administer a drug to a specified patient if 57  
all of the following conditions are met: 58

(A) The authority to administer the drug is delegated to the 59  
person by an advanced practice registered nurse who is a clinical 60  
nurse specialist, certified nurse-midwife, or certified nurse 61  
practitioner and holds a certificate to prescribe issued under 62  
section 4723.48 of the Revised Code. 63

(B) The drug is listed in the formulary established under 64  
division (B) of section 4723.50 of the Revised Code but is not a 65  
controlled substance and is not to be administered intravenously. 66

(C) The drug is to be administered at a location other than a 67  
hospital inpatient care unit, as defined in section 3727.50 of the 68  
Revised Code, a hospital emergency department or a freestanding 69  
emergency department. 70

(D) The person has successfully completed education based on 71  
a recognized body of knowledge concerning drug administration and 72  
demonstrates to the person's employer the knowledge, skills, and 73  
ability to administer the drug safely. 74

(E) The person's employer has given the advanced practice 75  
registered nurse access to documentation, in written or electronic 76  
form, showing that the person has met the conditions specified in 77  
division (D) of this section. 78

(F) The advanced practice registered nurse is physically 79  
present at the location where the drug is administered. 80

Sec. 4723.50. (A) In accordance with Chapter 119. of the 81  
Revised Code, the board of nursing shall adopt rules as necessary 82  
to implement the provisions of this chapter pertaining to the 83  
authority of clinical nurse specialists, certified nurse-midwives, 84  
and certified nurse practitioners to prescribe drugs and 85  
therapeutic devices and the issuance and renewal of certificates 86  
to prescribe. 87

The board shall adopt rules that are consistent with the 88  
recommendations the board receives from the committee on 89  
prescriptive governance pursuant to section 4723.492 of the 90  
Revised Code. After reviewing a recommendation submitted by the 91  
committee, the board may either adopt the recommendation as a rule 92  
or ask the committee to reconsider and resubmit the 93  
recommendation. The board shall not adopt any rule that does not 94  
conform to a recommendation made by the committee. 95

(B) The board shall adopt rules under this section that do 96  
all of the following: 97

(1) Establish a formulary listing the types of drugs and 98  
therapeutic devices that may be prescribed by a clinical nurse 99  
specialist, certified nurse-midwife, or certified nurse 100  
practitioner. The formulary may include controlled substances, as 101  
defined in section 3719.01 of the Revised Code. The formulary 102  
shall not permit the prescribing of any drug or device to perform 103  
or induce an abortion. 104

(2) Establish safety standards to be followed by a clinical 105  
nurse specialist, certified nurse-midwife, or certified nurse 106  
practitioner when personally furnishing to patients complete or 107  
partial supplies of antibiotics, antifungals, scabicides, 108  
contraceptives, prenatal vitamins, antihypertensives, drugs and 109  
devices used in the treatment of diabetes, drugs and devices used 110  
in the treatment of asthma, and drugs used in the treatment of 111

dyslipidemia;	112
(3) Establish criteria for the components of the standard	113
care arrangements described in section 4723.431 of the Revised	114
Code that apply to the authority to prescribe, including the	115
components that apply to the authority to prescribe schedule II	116
controlled substances. The rules shall be consistent with that	117
section and include all of the following:	118
(a) Quality assurance standards;	119
(b) Standards for periodic review by a collaborating	120
physician or podiatrist of the records of patients treated by the	121
clinical nurse specialist, certified nurse-midwife, or certified	122
nurse practitioner;	123
(c) Acceptable travel time between the location at which the	124
clinical nurse specialist, certified nurse-midwife, or certified	125
nurse practitioner is engaging in the prescribing components of	126
the nurse's practice and the location of the nurse's collaborating	127
physician or podiatrist;	128
(d) Any other criteria recommended by the committee on	129
prescriptive governance.	130
(4) Establish standards and procedures for issuance and	131
renewal of a certificate to prescribe, including specification of	132
any additional information the board may require under division	133
(A)(4), (C)(5), or (D)(5) of section 4723.482 or division (B)(3)	134
of section 4723.485 of the Revised Code;	135
(5) Establish standards for board approval of the course of	136
study in advanced pharmacology and related topics required by	137
section 4723.482 of the Revised Code;	138
(6) Establish requirements for board approval of the two-hour	139
course of instruction in the laws of this state as required under	140
division (C)(4) of section 4723.482 of the Revised Code and	141

division (B)(2) of section 4723.484 of the Revised Code; 142

(7) Establish standards and procedures for the appropriate 143  
conduct of an externship as described in section 4723.484 of the 144  
Revised Code, including the following: 145

(a) Standards and procedures to be used in evaluating an 146  
individual's participation in an externship; 147

(b) Standards and procedures for the supervision that a 148  
physician must provide during an externship, including supervision 149  
provided by working with the participant and supervision provided 150  
by making timely reviews of the records of patients treated by the 151  
participant. The manner in which supervision must be provided may 152  
vary according to the location where the participant is practicing 153  
and with the participant's level of experience. 154

(8) Establish standards and procedures for delegation under 155  
division (C) of section 4723.48 of the Revised Code of the 156  
authority to administer drugs. 157

**Section 2.** That existing sections 4723.48 and 4723.50 of the 158  
Revised Code are hereby repealed. 159