

**As Reported by the House Health and Aging Committee**

**130th General Assembly**

**Regular Session**

**2013-2014**

**Am. H. B. No. 301**

**Representatives Pelanda, Bishoff**

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

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**A B I L L**

To amend sections 4723.07 and 4723.48 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 4723.07 and 4723.48 be amended and 7  
section 4723.488 of the Revised Code be enacted to read as 8  
follows: 9

**Sec. 4723.07.** In accordance with Chapter 119. of the Revised 10  
Code, the board of nursing shall adopt and may amend and rescind 11  
rules that establish all of the following: 12

(A) Provisions for the board's government and control of its 13  
actions and business affairs; 14

(B) Minimum standards for nursing education programs that 15  
prepare graduates to be licensed under this chapter and procedures 16  
for granting, renewing, and withdrawing approval of those 17  
programs; 18

(C) Criteria that applicants for licensure must meet to be eligible to take examinations for licensure;	19 20
(D) Standards and procedures for renewal of the licenses and certificates issued by the board;	21 22
(E) Standards for approval of continuing nursing education programs and courses for registered nurses, licensed practical nurses, certified registered nurse anesthetists, clinical nurse specialists, certified nurse-midwives, and certified nurse practitioners. The standards may provide for approval of continuing nursing education programs and courses that have been approved by other state boards of nursing or by national accreditation systems for nursing, including, but not limited to, the American nurses' credentialing center and the national association for practical nurse education and service.	23 24 25 26 27 28 29 30 31 32
(F) Standards that persons must meet to be authorized by the board to approve continuing education programs and courses and a schedule by which that authorization expires and may be renewed;	33 34 35
(G) Requirements, including continuing education requirements, for reactivating inactive licenses or certificates, and for reinstating licenses or certificates that have lapsed;	36 37 38
(H) Conditions that may be imposed for reinstatement of a license or certificate following action taken under section 3123.47, 4723.28, 4723.281, 4723.652, or 4723.86 of the Revised Code resulting in a license or certificate suspension;	39 40 41 42
(I) Requirements for board approval of courses in medication administration by licensed practical nurses;	43 44
(J) Criteria for evaluating the qualifications of an applicant for a license to practice nursing as a registered nurse, a license to practice nursing as a licensed practical nurse, or a certificate of authority issued under division (B) of section 4723.41 of the Revised Code for the purpose of issuing the license	45 46 47 48 49

or certificate by the board's endorsement of the applicant's 50  
authority to practice issued by the licensing agency of another 51  
state; 52

(K) Universal and standard precautions that shall be used by 53  
each licensee or certificate holder. The rules shall define and 54  
establish requirements for universal and standard precautions that 55  
include the following: 56

(1) Appropriate use of hand washing; 57

(2) Disinfection and sterilization of equipment; 58

(3) Handling and disposal of needles and other sharp 59  
instruments; 60

(4) Wearing and disposal of gloves and other protective 61  
garments and devices. 62

(L) Standards and procedures for approving certificates of 63  
authority to practice nursing as a certified registered nurse 64  
anesthetist, clinical nurse specialist, certified nurse-midwife, 65  
or certified nurse practitioner, and for renewal of those 66  
certificates; 67

(M) Quality assurance standards for certified registered 68  
nurse anesthetists, clinical nurse specialists, certified 69  
nurse-midwives, or certified nurse practitioners; 70

(N) Additional criteria for the standard care arrangement 71  
required by section 4723.431 of the Revised Code entered into by a 72  
clinical nurse specialist, certified nurse-midwife, or certified 73  
nurse practitioner and the nurse's collaborating physician or 74  
podiatrist; 75

(O) Continuing education standards for clinical nurse 76  
specialists who were issued a certificate of authority to practice 77  
as a clinical nurse specialist under division (C) of section 78  
4723.41 of the Revised Code as that division existed at any time 79

before the effective date of this amendment March 20, 2013; 80

(P) For purposes of division (B)(31) of section 4723.28 of 81  
the Revised Code, the actions, omissions, or other circumstances 82  
that constitute failure to establish and maintain professional 83  
boundaries with a patient; 84

(O) Standards and procedures for delegation under division 85  
(C) of section 4723.48 of the Revised Code of the authority to 86  
administer drugs. 87

The board may adopt other rules necessary to carry out the 88  
provisions of this chapter. The rules shall be adopted in 89  
accordance with Chapter 119. of the Revised Code. 90

**Sec. 4723.48.** (A) A clinical nurse specialist, certified 91  
nurse-midwife, or certified nurse practitioner seeking authority 92  
to prescribe drugs and therapeutic devices shall file with the 93  
board of nursing a written application for a certificate to 94  
prescribe. The board of nursing shall issue a certificate to 95  
prescribe to each applicant who meets the requirements specified 96  
in section 4723.482 or 4723.485 of the Revised Code. 97

Except as provided in division (B) of this section, the 98  
initial certificate to prescribe that the board issues to an 99  
applicant shall be issued as an externship certificate. Under an 100  
externship certificate, the nurse may obtain experience in 101  
prescribing drugs and therapeutic devices by participating in an 102  
externship that evaluates the nurse's competence, knowledge, and 103  
skill in pharmacokinetic principles and their clinical application 104  
to the specialty being practiced. During the externship, the nurse 105  
may prescribe drugs and therapeutic devices only when one or more 106  
physicians are providing supervision in accordance with rules 107  
adopted under section 4723.50 of the Revised Code. 108

After completing the externship, the holder of an externship 109

certificate may apply for a new certificate to prescribe. On 110  
receipt of the new certificate, the nurse may prescribe drugs and 111  
therapeutic devices in collaboration with one or more physicians 112  
or podiatrists. 113

(B) In the case of an applicant who meets the requirements of 114  
division (C) of section 4723.482 of the Revised Code, the initial 115  
certificate to prescribe that the board issues to the applicant 116  
under this section shall not be an externship certificate. The 117  
applicant shall be issued a certificate to prescribe that permits 118  
the recipient to prescribe drugs and therapeutic devices in 119  
collaboration with one or more physicians or podiatrists. 120

(C)(1) The holder of a certificate issued under this section 121  
may delegate to a person not otherwise authorized to administer 122  
drugs the authority to administer a drug, other than a controlled 123  
substance, listed in the formulary established under division 124  
(B)(1) of section 4723.50 of the Revised Code to a specified 125  
patient. The delegation shall be in accordance with division 126  
(C)(2) of this section and standards and procedures established in 127  
rules adopted under division (O) of section 4723.07 of the Revised 128  
Code. 129

(2) Prior to delegating authority, the certificate holder 130  
shall do both of the following: 131

(a) Assess the patient and determine that the drug is 132  
appropriate for the patient; 133

(b) Determine that the person to whom the authority will be 134  
delegated has met the conditions specified in division (D) of 135  
section 4723.488 of the Revised Code. 136

**Sec. 4723.488.** A person not otherwise authorized to 137  
administer drugs may administer a drug to a specified patient if 138  
all of the following conditions are met: 139

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

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

(C) The drug is to be administered at a location other than a hospital inpatient care unit, as defined in section 3727.50 of the Revised Code; a hospital emergency department or a freestanding emergency department; or an ambulatory surgical facility, as defined in section 3702.30 of the Revised Code.

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

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

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

**Section 2.** That existing sections 4723.07 and 4723.48 of the Revised Code are hereby repealed.