



Ohio Legislative Service Commission

Bill Analysis

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S.B. 228

129th General Assembly
(As Introduced)

Sens. Burke, Lehner, Schiavoni, Tavares, Schaffer

BILL SUMMARY

- Authorizes a certified registered nurse anesthetist (CRNA) to issue a medication order that directs another authorized person to administer a drug to a patient.
- Limits when a CRNA may issue medication orders to the phases of patient care directly related to the activities the CRNA is authorized to perform.
- Specifies that a CRNA is not required to obtain a certificate to prescribe issued by the Board of Nursing in order to issue medication orders.
- Prohibits a CRNA from issuing medication orders in a manner that is inconsistent with the bill's provisions.
- Authorizes a respiratory therapist to practice pursuant to a medication order or other order for respiratory care issued by a CRNA who is supervised by a physician, and limits the therapist's administration of medications pursuant to such an order to the phases of patient care directly related to the activities the CRNA is authorized to perform.
- Specifies for purposes of the laws enforced by the State Board of Pharmacy that a "licensed health professional authorized to prescribe drugs" or "prescriber" includes a CRNA who issues medication orders.
- Restricts when a CRNA may engage in clinical support functions.

CONTENT AND OPERATION

CRNA medication orders

Authorization

Subject to several restrictions, the bill authorizes a certified registered nurse anesthetist (CRNA) to issue a written, oral, or electronic medication order under which the CRNA directs any of the following to administer a drug to a patient: a registered nurse, licensed practical nurse, respiratory therapist, or another individual licensed or otherwise specifically authorized by law to administer drugs while acting within that individual's scope of practice.¹ The bill does not specify whether the drug to be administered has been independently selected by the CRNA.

The bill's restrictions that limit a CRNA's authority to issue a medication order are the following:

(1) The medication order may be issued only during the phases of patient care directly related to the activities a CRNA is authorized to perform under current law and the bill.² These activities are (a) administering anesthesia and performing anesthesia induction, maintenance, and emergence while in the immediate presence of a physician, podiatrist, or dentist (authorized by current law),³ (b) performing postanesthesia preparation and evaluation and postanesthesia care (authorized by current law),⁴ and (c) performing clinical support functions using the same skills and competencies the CRNA uses to engage in the activities described in (a) or (b), but only in a facility in which the CRNA engages in those activities (authorized by current law, but restricted by the bill).⁵ (See "**Clinical support functions**," below.)

(2) The medication order may be issued only in a facility in which the CRNA engages in the activities described above.⁶

¹ R.C. 4723.43(B)(1)(d).

² R.C. 4723.43(B)(1)(d).

³ R.C. 4723.43(B) (current law) and 4723.43(B)(1)(a) (the bill).

⁴ R.C. 4723.43(B) (current law) and 4723.43(B)(1)(b) (the bill).

⁵ R.C. 4723.43(B) (current law) and 4723.43(B)(1)(c) (the bill).

⁶ R.C. 4723.43(B)(1)(c).

(3) When being supervised by a podiatrist or dentist, the CRNA's authority to issue a medication order may not exceed the podiatrist's or dentist's authority to issue a medication order.⁷

(4) When, during the performance of a clinical support function, a CRNA issues a medication order directing an individual to administer a drug to a patient receiving clinical support, the individual must administer the drug in the immediate presence of that CRNA.⁸

(5) A CRNA is prohibited from issuing a medication order for treatment of a patient in a dental office.⁹

Certificate to prescribe not required

A CRNA is not required under existing law to obtain a certificate to prescribe from the Board of Nursing in order to provide the anesthesia care the CRNA is authorized to provide.¹⁰ The bill specifies that a CRNA is also not required to obtain a certificate to prescribe in order to issue medication orders under the bill for the administration by others of drugs selected by the CRNA.¹¹

Practice of respiratory therapists

The bill permits a respiratory therapist to practice pursuant to a medication order or other order for respiratory care issued by a CRNA as long as the medication order or other order is issued in accordance with the bill's provisions governing such medication orders (see "**Authorization**," above).¹² It also permits a respiratory therapist to practice pursuant to the authority of a CRNA who is supervised by a physician in accordance with current law and the bill's provisions governing the scope of practice of CRNAs.¹³

When a respiratory therapist is practicing under a medication order or other order of a CRNA or pursuant to a CRNA's authority, the bill restricts the respiratory therapist's administration of medication to the phases of patient care directly related to

⁷ R.C. 4723.43(B)(4)(c) and (B)(5)(b).

⁸ R.C. 4723.43(B)(2).

⁹ R.C. 4723.43(B)(5)(c).

¹⁰ R.C. 4723.43(B).

¹¹ R.C. 4723.43(B)(3).

¹² R.C. 4761.17(A)(3).

¹³ R.C. 4761.17(B)(3).

the activities a CRNA is authorized to perform under current law and the bill.¹⁴ The bill also specifies that the respiratory therapist's administration of the medication must be in accordance with the CRNA's authority to issue medication orders during those phases of patient care.¹⁵

Prohibitions

The bill prohibits a CRNA from issuing medication orders in a manner that is inconsistent with the bill's provisions.¹⁶

CRNAs as "licensed health professionals authorized to prescribe drugs"

Current law governing the practice of pharmacy and other laws enforced by the State Board of Pharmacy refers to the professionals in Ohio with authority to prescribe drugs and drug therapy related devices in the course of professional practice as "licensed health professionals authorized to prescribe drugs" or "prescribers."¹⁷ The following professionals are included in the definitions of these terms: (1) physicians, including podiatrists and doctors of osteopathic medicine, (2) physician assistants holding certificates to prescribe from the State Medical Board, (3) clinical nurse specialists, certified nurse-midwives, and certified nurse practitioners holding certificates to prescribe from the Board of Nursing, (4) dentists, (5) optometrists holding therapeutic pharmaceutical agent certificates from the State Board of Optometry, and (6) veterinarians.

The bill expands the definitions of "licensed health professional authorized to prescribe drugs" and "prescriber" to include CRNAs, but only to the extent they order the administration of drugs to patients pursuant to the bill.

The act of ordering administration of one or more drugs to a specific patient through a medication order appears to be similar to the act of issuing a prescription, which Ohio law defines as a written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual issued by a licensed health professional authorized to prescribe drugs.¹⁸

¹⁴ R.C. 4761.17(C)(2).

¹⁵ R.C. 4761.17(C)(2).

¹⁶ R.C. 4723.44(C)(5)(b).

¹⁷ R.C. 4729.01(I).

¹⁸ R.C. 4729.01.

Clinical support functions

The bill restricts when a CRNA may engage in clinical support functions.¹⁹ "Clinical support functions" are not defined for purposes of current law or the bill.

Under current law, CRNAs are permitted to perform clinical support functions, and this authority is not restricted.²⁰ The bill specifies that CRNAs may perform clinical support functions only in a facility in which the CRNA engages in the other two activities the CRNA is authorized to perform under current law: (1) administering anesthesia and performing anesthesia induction, maintenance, and emergency, and (2) performing preanesthetic preparation and evaluation.²¹

Background

Prescriptive authority of certain advanced practice nurses

Under current law, a registered nurse who possesses a valid "certificate of authority" issued by the Board of Nursing to practice as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may obtain from the Board a "certificate to prescribe." A certificate to prescribe authorizes these types of advanced practice nurses to prescribe drugs and therapeutic devices.²² Certified registered nurse anesthetists (CRNAs) are not included in the statutes authorizing an advanced practice nurse to obtain a certificate to prescribe.

Supervision of CRNAs

In contrast to clinical nurse specialists, certified nurse-midwives, and certified nurse practitioners, all of whom work in collaboration with one or more physicians or podiatrists, a CRNA must practice with the supervision of a physician, podiatrist, or dentist.²³ "Supervision" means (1) that the CRNA is under the direction of a podiatrist acting within the podiatrist's scope of practice, a dentist acting within the dentist's scope of practice, or a physician, and (2) with respect to the administration of anesthesia and the performance of anesthesia induction, maintenance, and emergence, the CRNA is in

¹⁹ R.C. 4723.43(B)(1)(c).

²⁰ R.C. 4723.43(B).

²¹ R.C. 4723.43(B)(1)(c).

²² R.C. 4723.48. Restrictions on the authority to prescribe drugs and therapeutic devices are specified in R.C. 4723.481.

²³ R.C. 4723.43(B).

the "immediate presence" of a physician, podiatrist, or dentist.²⁴ A CRNA is not required to obtain a certificate to prescribe in order to provide the anesthesia care the CRNA is authorized to render.²⁵ "Collaboration" means that a physician has a standard care arrangement with the nurse and is continuously available to communicate with the nurse, either in person or by telecommunication.²⁶

HISTORY

ACTION	DATE
Introduced	09-21-11

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²⁴ R.C. 4723.01(M) and 4723.43(B).

²⁵ R.C. 4723.43(B).

²⁶ R.C. 4723.01(L) and Ohio Administrative Code 4723-9-01(B).

