

As Introduced

131st General Assembly

Regular Session

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H. B. No. 548

Representative Schuring

Cosponsor: Representative Sprague

A BILL

To amend sections 4723.43, 4723.44, 4729.01, and 4761.17 of the Revised Code regarding the authority of certified registered nurse anesthetists to select, order, and administer drugs and to direct certain other persons to administer drugs or perform clinical support functions.

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

Section 1. That sections 4723.43, 4723.44, 4729.01, and 4761.17 of the Revised Code be amended to read as follows:

Sec. 4723.43. A certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may provide to individuals and groups nursing care that requires knowledge and skill obtained from advanced formal education and clinical experience. In this capacity as an advanced practice registered nurse, a certified nurse-midwife is subject to division (A) of this section, a certified registered nurse anesthetist is subject to division (B) of this section, a certified nurse practitioner is subject to division (C) of this

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 nurse- 21
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 35
one or more physicians, prescribe drugs and therapeutic devices 36
in accordance with section 4723.481 of the Revised Code. 37

(B) 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, may 40
administer anesthesia and perform anesthesia induction, 41
maintenance, and emergence, and may perform with supervision 42
preanesthetic preparation and evaluation, postanesthesia care, 43
and clinical support functions, consistent with the nurse's 44
education and certification, and in accordance with rules 45
adopted by the board. A certified registered nurse anesthetist 46
may select, order, and administer appropriate drugs if the 47
selection, ordering, or administration is consistent with the 48

education and certification of the certified registered nurse 49
anesthetist and is either (1) authorized by the clinical 50
privileges granted by the medical staff of the facility in which 51
the services are provided or (2) within the scope of practice of 52
the supervising physician, podiatrist, or dentist in a setting 53
where clinical privileges are not formally delineated, such as a 54
medical or dental office. An order for drugs by a certified 55
registered nurse anesthetist is valid for dispensing and 56
administration of drugs only in the facility or other setting 57
where the anesthesia services are being provided. In addition to 58
the authority to select, order, or administer drugs, a certified 59
registered nurse anesthetist may direct other licensed or 60
certified persons to administer such drugs or to perform 61
clinical support functions within the scope of practice of such 62
licensed or certified persons. A certified registered nurse 63
anesthetist is not required to obtain a certificate to prescribe 64
in order to provide the anesthesia care described in this 65
division. 66

The physician, podiatrist, or dentist supervising a 67
certified registered nurse anesthetist must be actively engaged 68
in practice in this state. When a certified registered nurse 69
anesthetist is supervised by a podiatrist, the nurse's scope of 70
practice is limited to the anesthesia procedures that the 71
podiatrist has the authority under section 4731.51 of the 72
Revised Code to perform. A certified registered nurse 73
anesthetist may not administer general anesthesia under the 74
supervision of a podiatrist in a podiatrist's office. When a 75
certified registered nurse anesthetist is supervised by a 76
dentist, the nurse's scope of practice is limited to the 77
anesthesia procedures that the dentist has the authority under 78
Chapter 4715. of the Revised Code to perform. 79

A supervising physician, podiatrist, or dentist is not 80
liable in damages to any person or government entity in a civil 81
action for injury, death, or loss to person or property that 82
arises from an action or omission of a supervised certified 83
registered nurse anesthetist unless the supervising physician, 84
podiatrist, or dentist exercised control over or participated in 85
the action or omission of the supervised certified registered 86
nurse anesthetist. 87

(C) A nurse authorized to practice as a certified nurse 88
practitioner, in collaboration with one or more physicians or 89
podiatrists, may provide preventive and primary care services, 90
provide services for acute illnesses, and evaluate and promote 91
patient wellness within the nurse's nursing specialty, 92
consistent with the nurse's education and certification, and in 93
accordance with rules adopted by the board. A certified nurse 94
practitioner who holds a certificate to prescribe issued under 95
section 4723.48 of the Revised Code may, in collaboration with 96
one or more physicians or podiatrists, prescribe drugs and 97
therapeutic devices in accordance with section 4723.481 of the 98
Revised Code. 99

When a certified nurse practitioner is collaborating with 100
a podiatrist, the nurse's scope of practice is limited to the 101
procedures that the podiatrist has the authority under section 102
4731.51 of the Revised Code to perform. 103

(D) A nurse authorized to practice as a clinical nurse 104
specialist, in collaboration with one or more physicians or 105
podiatrists, may provide and manage the care of individuals and 106
groups with complex health problems and provide health care 107
services that promote, improve, and manage health care within 108
the nurse's nursing specialty, consistent with the nurse's 109

education and in accordance with rules adopted by the board. A 110
clinical nurse specialist who holds a certificate to prescribe 111
issued under section 4723.48 of the Revised Code may, in 112
collaboration with one or more physicians or podiatrists, 113
prescribe drugs and therapeutic devices in accordance with 114
section 4723.481 of the Revised Code. 115

When a clinical nurse specialist is collaborating with a 116
podiatrist, the nurse's scope of practice is limited to the 117
procedures that the podiatrist has the authority under section 118
4731.51 of the Revised Code to perform. 119

Sec. 4723.44. (A) No person shall do any of the following 120
unless the person holds a current, valid certificate of 121
authority to practice nursing as a certified registered nurse 122
anesthetist, clinical nurse specialist, certified nurse-midwife, 123
or certified nurse practitioner issued by the board of nursing 124
under this chapter: 125

(1) Engage in the practice of nursing as a certified 126
registered nurse anesthetist, clinical nurse specialist, 127
certified nurse-midwife, or certified nurse practitioner for a 128
fee, salary, or other consideration, or as a volunteer; 129

(2) Represent the person as being a certified registered 130
nurse anesthetist, clinical nurse specialist, certified nurse- 131
midwife, or certified nurse practitioner; 132

(3) Use any title or initials implying that the person is 133
a certified registered nurse anesthetist, clinical nurse 134
specialist, certified nurse-midwife, or certified nurse 135
practitioner; 136

(4) Represent the person as being an advanced practice 137
registered nurse; 138

(5) Use any title or initials implying that the person is	139
an advanced practice registered nurse.	140
(B) No person who is not certified by the national council	141
on certification of nurse anesthetists of the American	142
association of nurse anesthetists, the national council on	143
recertification of nurse anesthetists of the American	144
association of nurse anesthetists, or another national	145
certifying organization approved by the board under section	146
4723.46 of the Revised Code shall use the title "certified	147
registered nurse anesthetist" or the initials "C.R.N.A.," or any	148
other title or initial implying that the person has been	149
certified by the council or organization.	150
(C) No certified registered nurse anesthetist, clinical	151
nurse specialist, certified nurse-midwife, or certified nurse	152
practitioner shall do any of the following:	153
(1) Engage, for a fee, salary, or other consideration, or	154
as a volunteer, in the practice of a nursing specialty other	155
than the specialty designated on the nurse's current, valid	156
certificate of authority issued by the board under this chapter;	157
(2) Represent the person as being authorized to practice	158
any nursing specialty other than the specialty designated on the	159
current, valid certificate of authority;	160
(3) Use the title "certified registered nurse anesthetist"	161
or the initials "N.A." or "C.R.N.A.," the title "clinical nurse	162
specialist" or the initials "C.N.S.," the title "certified	163
nurse-midwife" or the initials "C.N.M.," the title "certified	164
nurse practitioner" or the initials "C.N.P.," the title	165
"advanced practice registered nurse" or the initials "A.P.R.N.,"	166
or any other title or initials implying that the nurse is	167

authorized to practice any nursing specialty other than the 168
specialty designated on the nurse's current, valid certificate 169
of authority; 170

(4) Enter into a standard care arrangement with a 171
physician or podiatrist whose practice is not the same as or 172
similar to the nurse's nursing specialty; 173

(5) ~~Prescribe~~ In the case of a clinical nurse specialist, 174
certified nurse-midwife, or certified nurse practitioner, 175
prescribe drugs or therapeutic devices unless the nurse holds a 176
current, valid certificate to prescribe issued under section 177
4723.48 of the Revised Code; 178

(6) ~~Prescribe~~ In the case of a clinical nurse specialist, 179
certified nurse-midwife, or certified nurse practitioner who 180
holds a certificate to prescribe issued under section 4723.48 of 181
the Revised Code, prescribe drugs or therapeutic devices ~~under a~~ 182
~~certificate to prescribe~~ in a manner that does not comply with 183
section 4723.481 of the Revised Code; 184

(7) In the case of a certified registered nurse 185
anesthetist, issue orders for drugs or direct other licensed or 186
certified persons to administer drugs unless the nurse acts in a 187
manner that complies with division (B) of section 4723.43 of the 188
Revised Code. 189

(8) Prescribe any drug or device to perform or induce an 190
abortion, or otherwise perform or induce an abortion. 191

(D) No person shall knowingly employ a person to engage in 192
the practice of nursing as a certified registered nurse 193
anesthetist, clinical nurse specialist, certified nurse-midwife, 194
or certified nurse practitioner unless the person so employed 195
holds a current, valid certificate of authority to engage in 196

that nursing specialty issued by the board under this chapter.	197
(E) A certificate certified by the executive director of the board, under the official seal of the board, to the effect that it appears from the records that no certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner has been issued to any person specified therein, or that a certificate, if issued, has been revoked or suspended, shall be received as prima-facie evidence of the record in any court or before any officer of the state.	198 199 200 201 202 203 204 205 206
Sec. 4729.01. As used in this chapter:	207
(A) "Pharmacy," except when used in a context that refers to the practice of pharmacy, means any area, room, rooms, place of business, department, or portion of any of the foregoing where the practice of pharmacy is conducted.	208 209 210 211
(B) "Practice of pharmacy" means providing pharmacist care requiring specialized knowledge, judgment, and skill derived from the principles of biological, chemical, behavioral, social, pharmaceutical, and clinical sciences. As used in this division, "pharmacist care" includes the following:	212 213 214 215 216
(1) Interpreting prescriptions;	217
(2) Dispensing drugs and drug therapy related devices;	218
(3) Compounding drugs;	219
(4) Counseling individuals with regard to their drug therapy, recommending drug therapy related devices, and assisting in the selection of drugs and appliances for treatment of common diseases and injuries and providing instruction in the proper use of the drugs and appliances;	220 221 222 223 224

(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;	225 226 227
(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;	228 229 230 231 232
(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;	233 234 235
(8) Acting pursuant to a consult agreement with one or more physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, if an agreement has been established;	236 237 238 239
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code.	240 241
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	242 243 244
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	245 246
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	247 248
(3) As an incident to research, teaching activities, or chemical analysis;	249 250
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing	251 252

patterns;	253
(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:	254 255 256 257 258
(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.	259 260 261 262 263
(b) A limited quantity of the drug is compounded and provided to the professional.	264 265
(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.	266 267 268
(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code.	269 270
(E) "Drug" means:	271
(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;	272 273 274 275
(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	276 277 278
(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;	279 280

(4) Any article intended for use as a component of any article specified in division (E) (1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories.	281 282 283 284
(F) "Dangerous drug" means any of the following:	285
(1) Any drug to which either of the following applies:	286
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;	287 288 289 290 291 292 293
(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.	294 295
(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply;	296 297 298
(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body.	299 300 301
(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.	302 303
(H) "Prescription" means both of the following:	304
(1) A written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs;	305 306 307 308

(2) For purposes of sections 2925.61, 4723.488, 4729.44, 309
4730.431, and 4731.94 of the Revised Code, a written, 310
electronic, or oral order for naloxone issued to and in the name 311
of a family member, friend, or other individual in a position to 312
assist an individual who there is reason to believe is at risk 313
of experiencing an opioid-related overdose. 314

(3) For purposes of sections 4723.4810, 4729.282, 315
4730.432, and 4731.93 of the Revised Code, a written, 316
electronic, or oral order for a drug to treat chlamydia, 317
gonorrhoea, or trichomoniasis issued to and in the name of a 318
patient who is not the intended user of the drug but is the 319
sexual partner of the intended user. 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 323
related devices in the course of the individual's professional 324
practice, including only the following: 325

(1) A dentist licensed under Chapter 4715. of the Revised 326
Code; 327

(2) A clinical nurse specialist, certified nurse-midwife, 328
or certified nurse practitioner who holds a certificate to 329
prescribe issued under section 4723.48 of the Revised Code; 330

(3) A certified registered nurse anesthetist, but only to 331
the extent that the nurse is authorized by division (B) of 332
section 4723.43 of the Revised Code to issue orders for drugs or 333
direct other licensed or certified persons to administer drugs; 334

(4) An optometrist licensed under Chapter 4725. of the 335
Revised Code to practice optometry under a therapeutic 336
pharmaceutical agents certificate; 337

~~(4)~~(5) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

~~(5)~~(6) A physician assistant who holds a license to practice as a physician assistant issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority;

~~(6)~~(7) A veterinarian licensed under Chapter 4741. of the Revised Code.

(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.

(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.

(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.

(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;	366
(3) The strength of the drug product if the product	367
contains a single active ingredient or if the drug product	368
contains more than one active ingredient and a relevant strength	369
can be associated with the product without indicating each	370
active ingredient. The established name and quantity of each	371
active ingredient are required if such a relevant strength	372
cannot be so associated with a drug product containing more than	373
one ingredient.	374
(4) The dosage form;	375
(5) The price charged for a specific quantity of the drug	376
product. The stated price shall include all charges to the	377
consumer, including, but not limited to, the cost of the drug	378
product, professional fees, handling fees, if any, and a	379
statement identifying professional services routinely furnished	380
by the pharmacy. Any mailing fees and delivery fees may be	381
stated separately without repetition. The information shall not	382
be false or misleading.	383
(O) "Wholesale distributor of dangerous drugs" means a	384
person engaged in the sale of dangerous drugs at wholesale and	385
includes any agent or employee of such a person authorized by	386
the person to engage in the sale of dangerous drugs at	387
wholesale.	388
(P) "Manufacturer of dangerous drugs" means a person,	389
other than a pharmacist, who manufactures dangerous drugs and	390
who is engaged in the sale of those dangerous drugs within this	391
state.	392
(Q) "Terminal distributor of dangerous drugs" means a	393
person who is engaged in the sale of dangerous drugs at retail,	394

or any person, other than a wholesale distributor or a pharmacist, who has possession, custody, or control of dangerous drugs for any purpose other than for that person's own use and consumption, and includes pharmacies, hospitals, nursing homes, and laboratories and all other persons who procure dangerous drugs for sale or other distribution by or under the supervision of a pharmacist or licensed health professional authorized to prescribe drugs.

(R) "Promote to the public" means disseminating a representation to the public in any manner or by any means, other than by labeling, for the purpose of inducing, or that is likely to induce, directly or indirectly, the purchase of a dangerous drug at retail.

(S) "Person" includes any individual, partnership, association, limited liability company, or corporation, the state, any political subdivision of the state, and any district, department, or agency of the state or its political subdivisions.

(T) "Finished dosage form" has the same meaning as in section 3715.01 of the Revised Code.

(U) "Generically equivalent drug" has the same meaning as in section 3715.01 of the Revised Code.

(V) "Animal shelter" means a facility operated by a humane society or any society organized under Chapter 1717. of the Revised Code or a dog pound operated pursuant to Chapter 955. of the Revised Code.

(W) "Food" has the same meaning as in section 3715.01 of the Revised Code.

(X) "Pain management clinic" has the same meaning as in

section 4731.054 of the Revised Code. 424

Sec. 4761.17. All of the following apply to the practice 425
of respiratory care by a person who holds a license or limited 426
permit issued under this chapter: 427

(A) The person shall practice only pursuant to a 428
prescription or other order for respiratory care issued by any 429
one or more of the following: 430

(1) A physician; 431

(2) A registered nurse who holds a certificate of 432
authority issued under Chapter 4723. of the Revised Code to 433
practice as a certified nurse practitioner or clinical nurse 434
specialist and has entered into a standard care arrangement with 435
a physician that allows the nurse to prescribe or order 436
respiratory care services; 437

(3) A certified registered nurse anesthetist who, in 438
compliance with division (B) of section 4723.43 of the Revised 439
Code, issues an order for drugs or directs other licensed or 440
certified persons to administer drugs; 441

(4) A physician assistant who holds a valid prescriber 442
number issued by the state medical board, has been granted 443
physician-delegated prescriptive authority, and has entered into 444
a supervision agreement that allows the physician assistant to 445
prescribe or order respiratory care services. 446

(B) The person shall practice only under the supervision 447
of any of the following: 448

(1) A physician; 449

(2) A certified nurse practitioner or clinical nurse 450
specialist who is authorized to prescribe or order respiratory 451

care services as provided in division (A) (2) of this section; 452

(3) A certified registered nurse anesthetist who is 453
supervised by a physician in accordance with division (B) of 454
section 4723.43 of the Revised Code; 455

(4) A physician assistant who is authorized to prescribe 456
or order respiratory care services as provided in division (A) 457
(3) of this section. 458

(C) (1) When practicing under the prescription or order of 459
a certified nurse practitioner or clinical nurse specialist or 460
under the supervision of such a nurse, the person's 461
administration of medication that requires a prescription is 462
limited to the drugs that the nurse is authorized to prescribe 463
pursuant to the nurse's certificate to prescribe issued under 464
section 4723.48 of the Revised Code. 465

(2) When practicing under an order of a certified 466
registered nurse anesthetist or under the supervision of such a 467
nurse, the person's administration of medication is limited to 468
the drugs that the nurse is authorized to order or direct the 469
person to administer, as provided in division (B) of section 470
4723.48 of the Revised Code; 471

(3) When practicing under the prescription or order of a 472
physician assistant or under the supervision of a physician 473
assistant, the person's administration of medication that 474
requires a prescription is limited to the drugs that the 475
physician assistant is authorized to prescribe pursuant to the 476
physician assistant's physician-delegated prescriptive 477
authority. 478

Section 2. That existing sections 4723.43, 4723.44, 479
4729.01, and 4761.17 of the Revised Code are hereby repealed. 480

Section 3. Section 4729.01 of the Revised Code is 481
presented in this act as a composite of the section as amended 482
by both Sub. H.B. 124 and Am. Sub. H.B. 188 of the 131st General 483
Assembly. The General Assembly, applying the principle stated in 484
division (B) of section 1.52 of the Revised Code that amendments 485
are to be harmonized if reasonably capable of simultaneous 486
operation, finds that the composite is the resulting version of 487
the section in effect prior to the effective date of the section 488
as presented in this act. 489