



H.B. 241

123rd General Assembly
(As Introduced)

Reps. Hollister, Womer Benjamin, Grendell, R. Miller, Terwilleger, Ogg, Opfer, Mead, Jones, Sulzer, Sutton, Perz, Williams, Allen, Hartnett, Callender, D. Miller, Hood, Young, Bender, Householder, Smith, Carey

BILL SUMMARY

- Provides that the Board of Nursing may issue a certificate to prescribe drugs and therapeutic devices to a certified nurse-midwife (CNM), certified nurse practitioner (CNP), certified registered nurse anesthetist (CRNA), or clinical nurse specialist (CNS) who meets the bill's requirements and has successfully completed a course of study in advanced pharmacology.
- Provides that each CNM, CNP, CRNA, or CNS who holds a certificate to prescribe must prescribe in accordance with a formulary established by the Board and, depending on the nurse's specialty, in collaboration with or under the supervision of a physician, podiatrist, or dentist.
- Creates the Joint Advisory Council on Advanced Practice Nursing to advise the Board on all matters relating to advanced practice nurses.
- Repeals the prohibition against a CNM performing version, delivering breech or face presentation, using forceps, doing any obstetric operation, or treating abnormal conditions.
- Provides that the clinical support functions that a CRNA may perform include selecting and ordering anesthetic agents and adjuvant drugs.
- Increases to 30 (from 15) the number of days within which the Board of Nursing must notify an applicant to practice nursing as a CNM, CNP, CRNA, or CNS that required documents are needed to make an application complete.

CONTENT AND OPERATION

Background

Am. Sub. S.B. 154 of the 121st General Assembly recognized three advanced nursing specialties: certified nurse practitioner (CNP), certified registered nurse anesthetist (CRNA), and clinical nurse specialist (CNS) and changed the prior designation "nurse-midwife" to "certified nurse-midwife" (CNM). To practice in one of these specialties, an individual must be a registered nurse and obtain a certificate of authority from the Board of Nursing by meeting certain educational requirements and the certification and examination requirements of specified national credentialing organizations.

Authority to prescribe drugs and therapeutic devices

(secs. 4723.06, 4723.07, 4723.08, 4723.28, and 4723.48)

The bill authorizes the Board of Nursing to issue and renew a certificate to prescribe drugs and therapeutic devices to a CNM, CNP, CRNA, or CNS who, within the three-year period prior to applying for the certificate, successfully completed a course of study in advanced pharmacology. The course of study must have been completed through either planned classroom and clinical study in advanced pharmacology or advanced pharmacology classes--both of which must meet the course requirements discussed below and be approved in rules adopted by the Board. Each CNM, CNP, CRNA, or CNS who holds a certificate to prescribe drugs and therapeutic devices must prescribe in accordance with the formulary established by the Board and is subject to discipline for failing to prescribe in accordance with the formulary and for prescribing, dispensing, or administering drugs and therapeutic devices other than for legal and legitimate therapeutic purposes.

An applicant for a certificate to prescribe is required to file with the Board a written application that contains all of the following:

- (1) Evidence of meeting the requirements in the applicant's nursing specialty;
- (2) Evidence of having successfully completed the advanced pharmacology instruction;
- (3) On a form approved by the Board and included with the application, a statement by a physician who is collaborating with or supervising the applicant attesting that, after successfully completing the advanced pharmacology instruction

and for a period of not less than one year, the applicant has demonstrated competence, knowledge, and skill in pharmacokinetic principles and their clinical application to the nurse's specialty consistent with the advanced pharmacology instruction;

(4) The \$50 application fee for a certificate to prescribe;

(5) Any additional information the Board requires pursuant to Board rules.

The Board may waive the requirement described in (3) if a physician who collaborates with or supervises the applicant recommends on a form approved by the Board that the applicant be granted a certificate to prescribe and either (1) as of the bill's effective date, the applicant has three consecutive years of clinical experience, within the five-year period prior to the bill's effective date, as a registered nurse practicing in Ohio as a nurse anesthetist, clinical nurse specialist, nurse-midwife, or nurse practitioner, or (2) the applicant submits to the Board evidence that the applicant is authorized in another state to prescribe drugs and therapeutic devices and has three consecutive years of clinical experience, within the five-year period prior to the date an application is filed, as a registered nurse practicing in another state as a nurse anesthetist, clinical nurse specialist, nurse-midwife, or nurse practitioner.

The Board may waive the requirement that the advanced pharmacology instruction be completed within the three-year period prior to application for a certificate to prescribe if the applicant submits to the Board evidence that the applicant is authorized to prescribe drugs and therapeutic devices in another state and has been prescribing under that authority.

The course of study in advanced pharmacology must include all of the following:

(1) Pharmacokinetic principles and clinical application;¹

(2) Use of drugs and therapeutic devices in the prevention of illness and the maintenance of health;

(3) A content specific to the nursing specialty of the CNM, CNP, CRNA, and CNS;

¹ "Pharmacokinetics" is the branch of pharmacology that studies the action of a drug in the body, including the processes of absorption, distribution, metabolism, and elimination (Random House Compact Unabridged Dictionary, 2nd edition, 1996).

- (4) The fiscal implications of prescribing drugs and therapeutic devices;
- (5) The ethical implications of prescribing drugs and therapeutic devices;
- (6) The state and federal laws regulating all aspects of pharmacology;
- (7) Any additional requirement required pursuant to Board rules.

The Board is required to establish a formulary, with the advice of the Joint Advisory Council on Advanced Practice Nursing created by the bill, listing the classes of drugs and therapeutic devices that may be prescribed by a CNM, CNP, CRNA, or CNS who holds a certificate to prescribe.² The board must publish the formulary annually.

The bill requires the Board to adopt rules that do the following: specify the information the Board may require for issuance and renewal of a certificate to prescribe; establish standards and procedures for issuance and renewal of a certificate to prescribe; and establish requirements for Board approval of classroom and clinical study in advanced pharmacology.

A certificate to prescribe may be renewed by the Board every two years according to a schedule adopted by the Board if the certificate holder submits to the Board evidence of having completed during the previous two years at least 12 hours of continuing education in advanced pharmacology from an accredited institution recognized by the Board, the \$50 renewal fee, and any additional information the Board requires in its rules. In the case of a certificate to prescribe that was issued for less than two years, the applicant is required to submit evidence of having completed the number of hours specified in Board rules. The continuing education in advanced pharmacology required to renew a certificate to prescribe is in addition to the continuing education required for renewal of a certificate of authority to practice nursing as a CNM, CNP, CRNA, or CNS.

Prohibitions

(secs. 4723.44; 4723.99, not in the bill)

Under the bill, a nurse who is a CNM, CNP, CRNA, or CNS is prohibited from doing either of the following:

- (1) Prescribing drugs or therapeutic devices unless the nurse holds a current, valid certificate to prescribe issued by the Board;

² See "**Creation of Joint Advisory Council on Advanced Practice Nursing.**"

(2) If the nurse holds a current, valid certificate to prescribe, prescribing drugs and therapeutic devices that are not listed on the formulary established by the Board.

Whoever violates either of these provisions may be fined \$500 or imprisoned not more than 90 days, or both.

Supervision and collaboration

(secs. 4723.02, 4723.43, and 4723.431)

Under current law, a CNP or CNS practices the nurse's specialty in collaboration with physicians and podiatrists. A CNM practices in collaboration with physicians. "Collaboration" means that the nurse and the physician or podiatrist have entered into a standard care arrangement and the physician or podiatrist is continuously available to communicate with the nurse either in person, or by radio, telephone, or other form of telecommunication.

A CRNA is supervised by a physician, podiatrist, or dentist. "Supervision" means that a CRNA is under the direction of an individual who is a physician, podiatrist, or dentist acting within the scope of the individual's practice and, when administering anesthesia, the CRNA is in the immediate presence of the physician, podiatrist, or dentist.

Under the bill, a CNP or CNS who holds a certificate to prescribe may prescribe drugs and therapeutic devices in collaboration with a physician or podiatrist. A CNM who holds a certificate to prescribe may do so in collaboration with a physician. A CRNA who holds a certificate to prescribe may do so with the supervision of a physician, podiatrist, or dentist. The bill specifies that a CRNA is not required to obtain a certificate to prescribe in order to provide the anesthesia care authorized by current law.

Validity of certificate to prescribe

(sec. 4723.47)

Under the bill, if a nurse's certificate of authority to practice nursing as a CNM, CNP, CRNA, or CNS expires for failure to renew, the nurse's certificate to prescribe is automatically suspended until the certificate of authority is reinstated. If a nurse's certificate of authority becomes inactive, the nurse's certificate to prescribe is automatically suspended until the certificate of the authority becomes active. If a nurse's certificate of authority is revoked or suspended, the nurse's certificate to prescribe is automatically revoked or suspended. If a restriction is

placed on a nurse's certificate of authority, the same restriction is placed on the nurse's certificate to prescribe while the certificate of authority remains restricted.

Amendments to provisions affecting advanced practice nurse pilot programs

(secs. 3719.81, 4723.52, 4723.56, 4723.561, 4723.57, 4723.58, 4723.59, and 4731.22; Section 6)

Current law provides for the establishment of pilot programs for the use of advanced practice nurses in medically underserved areas. The programs are operated by the schools of nursing at Case Western Reserve University, Wright State University, and the University of Cincinnati. The law authorizing them is repealed effective January 1, 2010. Advanced practice nurses participating in the pilot programs are authorized to prescribe drugs and therapeutic devices.

Under the bill, approval to prescribe drugs and therapeutic devices granted under the pilot programs is valid for the remainder of the period for which it was granted. Thereafter, each advanced practice nurse given the approval must obtain a certificate to prescribe drugs and therapeutic devices in accordance with the bill's provisions. The Board of Nursing must issue a certificate to prescribe under the bill's provisions to a nurse who holds a certificate to prescribe under the pilot programs and meets the bill's requirements, other than the requirement that the nurse has successfully completed the advanced pharmacology instruction required by the bill.

The bill makes changes to and repeals other statutes relating to the pilot programs to reflect the bill's provisions. The changes take effect two years after the bill's effective date.

Revisions to the drug, prescription, and pharmacy laws

(secs. 2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 4729.01, and 4729.51)

The bill amends statutes regarding selling, possessing, or trafficking drugs and controlled substances and furnishing sample drugs so that a CNM, CNP, CRNA, and CNS with a certificate to prescribe may do so without violating the criminal or pharmacy licensing laws.

Technical amendments

(secs. 4723.02 and 4723.151)

The bill revises certain statutes to reflect the prescriptive authority established by the bill.

Creation of Joint Advisory Council on Advanced Practice Nursing

(sec. 4723.49)

The bill creates the Joint Advisory Council on Advanced Practice Nursing to advise the Board of Nursing on all matters relating to advanced practice nurses. The Council is to consist of the following members appointed by the Board:

- (1) A certified nurse-midwife;
- (2) A certified registered nurse anesthetist;
- (3) A certified nurse practitioner;
- (4) A clinical nurse specialist;
- (5) A member of the Board of Nursing who is a registered nurse;
- (6) Three individuals who are authorized to practice medicine and surgery, osteopathic medicine and surgery, or podiatry, at least two of whom are collaborating or supervising a CNM, CNP, CRNA, or CNS;
- (7) A pharmacist.

The Council is required to select a chairperson from the Council members described in (1) through (4) and may select a new chairperson at any time. The Council must meet at intervals agreed to by its members or at the call of the chairperson. Five members of the Council constitute a quorum.

Individuals and professional nursing associations may make recommendations to the Board of Nursing for the appointment of the members described in (1) through (4). Individuals and professional medical associations may make recommendations to the Board for the members described in (6). Individuals and professional pharmacy associations may make recommendations for the pharmacist member of the Council. The Board must appoint Council members based on the recommendations and, if no recommendations are made to fill a vacancy, the Board must appoint a member to fill the vacancy on its own recommendation.

The Council may make recommendations to the Board regarding advanced practice nursing when the Council determines that a recommendation is

appropriate. The Board must consider all recommendations made by the Council; however, a recommendation by the Council is not required for the Board to take action on a particular matter.

Terms of office

Initial appointments to the Council must be made by the Board no later than 90 days after the bill's effective date. Of the initial appointments of the members described in (1) through (4), two are to be appointed for terms of three years and two for terms of two years. The initial appointments of the member who is a member of the Board of Nursing is for a term of three years. Of the initial appointments of the members described in (6), one is for a three-year term and two for two-year terms. The initial appointment of the pharmacist member is for a term of three years. Thereafter, all appointments are for three-year terms, each term ending on the same day of the same month of the year as the term it succeeds.

When a member's term expires, a successor is to be appointed who has the qualifications the vacancy requires. A member appointed to fill a vacancy occurring prior to the expiration of a term holds office for the remainder of the term. A member continues in office after the member's term expires until the earlier of the date the member's successor takes office or until a 60-day period has elapsed. No member may be reappointed to the Council more than once.

Council members serve without compensation but receive their actual and necessary expenses incurred in the performance of their official duties.

Scope of practice of certified nurse-midwives and certified registered nurse anesthetists

(sec. 4723.43)

--Certified nurse-midwives. Under current law, a CNM may, in collaboration with physicians, provide the management of preventive services and the primary care services necessary to provide health care to women antepartally, intrapartally, postpartally, and gynecologically, consistent with the CNM's education and certification.³

Current law provides that a CNM is not authorized to perform version, deliver breech or face presentation, use forceps, do any obstetric operation, or treat

³ "Antepartally, intrapartally, and postpartally" refer to the stages before, during, and after childbirth (Random House).

any other abnormal condition, except in emergencies.⁴ The bill repeals this prohibition.

--Certified registered nurse anesthetists. Under current law, a CRNA may, with supervision and in the immediate presence of a physician, podiatrist, or dentist, administer anesthesia and perform anesthesia induction, maintenance, and emergence. A CRNA may, with supervision, perform preanesthetic preparation and evaluation, postanesthesia care, and clinical support functions. This authority must be exercised consistent with the nurse's education and certification.

The bill specifies that clinical support functions include selecting and ordering anesthetic agents and adjuvant drugs.⁵

Board of Nursing approval of certificates of authority to practice nursing as a CNM, CNP, CRNA, or CNS

(sec. 4723.42)

Under current law, the Board of Nursing is required to issue or deny a certificate to practice nursing as a CNM, CNP, CRNA, or CNS not later than 60 days after receiving all required documentation from an applicant. Not later than 15 days after receiving an application, the Board is required to provide an applicant with written notice by mail, of any required documents that have not been submitted.

Under the bill, the Board has 30 days to give the notice that any required documents that have not been submitted.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-10-99	pp. 285-286

⁴ "Version" refers to the act of turning a child in the uterus so as to bring it into a more favorable position for delivery. "Breech or face presentation" refers to the presentation of the buttocks or feet or face (rather than the crown of the head) of a fetus during childbirth. (Random House.)

⁵ "Adjuvant" refers to a substance added to a prescription to aid the effect of the main ingredient (Random House).

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