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132nd General Assembly
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Sub. H. B. No. 191

A BILL

To amend sections 4723.43, 4729.01, and 4761.17 of 1
the Revised Code regarding the practice of 2
certified registered nurse anesthetists. 3

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

Section 1. That sections 4723.43, 4729.01, and 4761.17 of 4
the Revised Code be amended to read as follows: 5

Sec. 4723.43. A certified registered nurse anesthetist, 6
clinical nurse specialist, certified nurse-midwife, or certified 7
nurse practitioner may provide to individuals and groups nursing 8
care that requires knowledge and skill obtained from advanced 9
formal education and clinical experience. In this capacity as an 10
advanced practice registered nurse, a certified nurse-midwife is 11
subject to division (A) of this section, a certified registered 12
nurse anesthetist is subject to division (B) of this section, a 13
certified nurse practitioner is subject to division (C) of this 14
section, and a clinical nurse specialist is subject to division 15
(D) of this section. 16

(A) A nurse authorized to practice as a certified nurse- 17
midwife, in collaboration with one or more physicians, may 18



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provide the management of preventive services and those primary 19
care services necessary to provide health care to women 20
antepartally, intrapartally, postpartally, and gynecologically, 21
consistent with the nurse's education and certification, and in 22
accordance with rules adopted by the board of nursing. 23

No certified nurse-midwife may perform version, deliver 24
breech or face presentation, use forceps, do any obstetric 25
operation, or treat any other abnormal condition, except in 26
emergencies. Division (A) of this section does not prohibit a 27
certified nurse-midwife from performing episiotomies or normal 28
vaginal deliveries, or repairing vaginal tears. A certified 29
nurse-midwife may, in collaboration with one or more physicians, 30
prescribe drugs and therapeutic devices in accordance with 31
section 4723.481 of the Revised Code. 32

(B) (1) A nurse authorized to practice as a certified 33
registered nurse anesthetist, with the supervision ~~and in the~~ 34
~~immediate presence~~ of a physician, podiatrist, or dentist, may 35
~~administer anesthesia and perform anesthesia induction,~~ 36
~~maintenance, and emergence, and may perform with supervision~~ 37
~~preanesthetic preparation and evaluation, postanesthesia care,~~ 38
~~and clinical support functions,~~ do all of the following 39
consistent with the nurse's education and certification, and in 40
accordance with rules adopted by the board. 41

~~The physician, podiatrist, or dentist supervising a~~ 42
~~certified registered nurse anesthetist must be actively engaged~~ 43
~~in practice in this state. When a certified registered nurse~~ 44
~~anesthetist is supervised by a podiatrist, the nurse's scope of~~ 45
~~practice is limited to the anesthesia procedures that the~~ 46
~~podiatrist has the authority under section 4731.51 of the~~ 47
~~Revised Code to perform. A certified registered nurse~~ 48

~~anesthetist may not administer general anesthesia under the supervision of a podiatrist in a podiatrist's office. When a certified registered nurse anesthetist is supervised by a dentist, the nurse's scope of practice is limited to the anesthesia procedures that the dentist has the authority under Chapter 4715. of the Revised Code to perform;~~

(a) Perform and document evaluations and assessments during the perianesthesia period, which may include ordering and evaluating one or more diagnostic tests and consulting with one or more other health professionals;

(b) Establish anesthesia care plans;

(c) Determine whether planned anesthesia is appropriate;

(d) Obtain informed consent for anesthesia care;

(e) Select and order anesthesia;

(f) In the immediate presence of a physician, podiatrist, or dentist, administer anesthesia and perform anesthesia induction, maintenance, and emergence;

(g) Perform clinical functions that are either of the following:

(i) Specified in the clinical experience standards established for nurse anesthetist education programs by a national accreditation organization selected by the board of nursing;

(ii) Completed pursuant to a physician consultation.

(h) When performing clinical functions as provided in this section, order fluids, treatments, drugs, and one or more diagnostic tests and evaluate the results of such tests;

(i) As necessary for patient management and care in the 76
perianesthesia period, select, order, and administer fluids, 77
treatments, and drugs for conditions related to administration 78
of anesthesia; 79

(j) Direct registered nurses, licensed practical nurses, 80
and respiratory therapists to do any of the following that they 81
are authorized by law to do for patient management and care in 82
either the perianesthesia period or when the certified 83
registered nurse anesthetist performs clinical functions: 84

(i) Provide supportive care as necessary for patient 85
management and care, including monitoring vital signs, 86
conducting electrocardiograms, and performing intravenous 87
therapy; 88

(ii) Administer fluids, treatments, and drugs to treat 89
conditions related to administration of anesthesia. 90

(k) Perform and document postanesthesia care preparation 91
and evaluation; 92

(l) Perform postanesthesia care assessments, including on 93
admission to or release or discharge from postanesthesia 94
recovery areas; 95

(m) Select, order, and administer pain relief therapies 96
during the perianesthesia period. 97

(2) Division (B)(1) of this section does not authorize a 98
certified registered nurse anesthetist to prescribe a drug for 99
use outside the facility or other setting where the certified 100
registered nurse anesthetist provides care. 101

(3) The physician, podiatrist, or dentist supervising a 102
certified registered nurse anesthetist must be actively engaged 103

in practice in this state. When a certified registered nurse 104
anesthetist is supervised by a podiatrist, the nurse's scope of 105
practice is limited to the anesthesia procedures that the 106
podiatrist has the authority under section 4731.51 of the 107
Revised Code to perform. A certified registered nurse 108
anesthetist may not administer general anesthesia under the 109
supervision of a podiatrist in a podiatrist's office. When a 110
certified registered nurse anesthetist is supervised by a 111
dentist, the nurse's scope of practice is limited to the 112
anesthesia procedures that the dentist has the authority under 113
Chapter 4715. of the Revised Code to perform. 114

(C) A nurse authorized to practice as a certified nurse 115
practitioner, in collaboration with one or more physicians or 116
podiatrists, may provide preventive and primary care services, 117
provide services for acute illnesses, and evaluate and promote 118
patient wellness within the nurse's nursing specialty, 119
consistent with the nurse's education and certification, and in 120
accordance with rules adopted by the board. A certified nurse 121
practitioner may, in collaboration with one or more physicians 122
or podiatrists, prescribe drugs and therapeutic devices in 123
accordance with section 4723.481 of the Revised Code. 124

When a certified nurse practitioner is collaborating with 125
a podiatrist, the nurse's scope of practice is limited to the 126
procedures that the podiatrist has the authority under section 127
4731.51 of the Revised Code to perform. 128

(D) A nurse authorized to practice as a clinical nurse 129
specialist, in collaboration with one or more physicians or 130
podiatrists, may provide and manage the care of individuals and 131
groups with complex health problems and provide health care 132
services that promote, improve, and manage health care within 133

the nurse's nursing specialty, consistent with the nurse's 134
education and in accordance with rules adopted by the board. A 135
clinical nurse specialist may, in collaboration with one or more 136
physicians or podiatrists, prescribe drugs and therapeutic 137
devices in accordance with section 4723.481 of the Revised Code. 138

When a clinical nurse specialist is collaborating with a 139
podiatrist, the nurse's scope of practice is limited to the 140
procedures that the podiatrist has the authority under section 141
4731.51 of the Revised Code to perform. 142

Sec. 4729.01. As used in this chapter: 143

(A) "Pharmacy," except when used in a context that refers 144
to the practice of pharmacy, means any area, room, rooms, place 145
of business, department, or portion of any of the foregoing 146
where the practice of pharmacy is conducted. 147

(B) "Practice of pharmacy" means providing pharmacist care 148
requiring specialized knowledge, judgment, and skill derived 149
from the principles of biological, chemical, behavioral, social, 150
pharmaceutical, and clinical sciences. As used in this division, 151
"pharmacist care" includes the following: 152

(1) Interpreting prescriptions; 153

(2) Dispensing drugs and drug therapy related devices; 154

(3) Compounding drugs; 155

(4) Counseling individuals with regard to their drug 156
therapy, recommending drug therapy related devices, and 157
assisting in the selection of drugs and appliances for treatment 158
of common diseases and injuries and providing instruction in the 159
proper use of the drugs and appliances; 160

(5) Performing drug regimen reviews with individuals by 161

discussing all of the drugs that the individual is taking and	162
explaining the interactions of the drugs;	163
(6) Performing drug utilization reviews with licensed	164
health professionals authorized to prescribe drugs when the	165
pharmacist determines that an individual with a prescription has	166
a drug regimen that warrants additional discussion with the	167
prescriber;	168
(7) Advising an individual and the health care	169
professionals treating an individual with regard to the	170
individual's drug therapy;	171
(8) Acting pursuant to a consult agreement with one or	172
more physicians authorized under Chapter 4731. of the Revised	173
Code to practice medicine and surgery or osteopathic medicine	174
and surgery, if an agreement has been established;	175
(9) Engaging in the administration of immunizations to the	176
extent authorized by section 4729.41 of the Revised Code;	177
(10) Engaging in the administration of drugs to the extent	178
authorized by section 4729.45 of the Revised Code.	179
(C) "Compounding" means the preparation, mixing,	180
assembling, packaging, and labeling of one or more drugs in any	181
of the following circumstances:	182
(1) Pursuant to a prescription issued by a licensed health	183
professional authorized to prescribe drugs;	184
(2) Pursuant to the modification of a prescription made in	185
accordance with a consult agreement;	186
(3) As an incident to research, teaching activities, or	187
chemical analysis;	188

(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	189 190 191
(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:	192 193 194 195 196
(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.	197 198 199 200 201
(b) A limited quantity of the drug is compounded and provided to the professional.	202 203
(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.	204 205 206
(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code.	207 208
(E) "Drug" means:	209
(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;	210 211 212 213
(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	214 215 216

(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;	217 218
(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.	219 220 221 222
(F) "Dangerous drug" means any of the following:	223
(1) Any drug to which either of the following applies:	224
(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;	225 226 227 228 229 230 231
(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.	232 233
(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;	234 235 236
(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body;	237 238 239
(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code.	240 241
(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.	242 243

(H) "Prescription" means all of the following:	244
(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;	245 246 247 248
(2) For purposes of sections 2925.61, 4723.488, 4729.44, 4730.431, and 4731.94 of the Revised Code, a written, electronic, or oral order for naloxone issued to and in the name of a family member, friend, or other individual in a position to assist an individual who there is reason to believe is at risk of experiencing an opioid-related overdose.	249 250 251 252 253 254
(3) For purposes of sections 4723.4810, 4729.282, 4730.432, and 4731.93 of the Revised Code, a written, electronic, or oral order for a drug to treat chlamydia, gonorrhea, or trichomoniasis issued to and in the name of a patient who is not the intended user of the drug but is the sexual partner of the intended user;	255 256 257 258 259 260
(4) For purposes of sections 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4731.96, and 5101.76 of the Revised Code, a written, electronic, or oral order for an epinephrine autoinjector issued to and in the name of a school, school district, or camp;	261 262 263 264 265
(5) For purposes of Chapter 3728. and sections 4723.483, 4729.88, 4730.433, and 4731.96 of the Revised Code, a written, electronic, or oral order for an epinephrine autoinjector issued to and in the name of a qualified entity, as defined in section 3728.01 of the Revised Code.	266 267 268 269 270
(I) "Licensed health professional authorized to prescribe drugs" or "prescriber" means an individual who is authorized by	271 272

law to prescribe drugs or dangerous drugs or drug therapy	273
related devices in the course of the individual's professional	274
practice, including only the following:	275
(1) A dentist licensed under Chapter 4715. of the Revised	276
Code;	277
(2) A clinical nurse specialist, certified nurse-midwife,	278
or certified nurse practitioner who holds a current, valid	279
license to practice nursing as an advanced practice registered	280
nurse issued under Chapter 4723. of the Revised Code;	281
(3) <u>A certified registered nurse anesthetist who holds a</u>	282
<u>current, valid license to practice nursing as an advanced</u>	283
<u>practice registered nurse, but only to the extent of the nurse's</u>	284
<u>authority under division (B) of section 4723.43 of the Revised</u>	285
<u>Code;</u>	286
<u>(4)</u> An optometrist licensed under Chapter 4725. of the	287
Revised Code to practice optometry under a therapeutic	288
pharmaceutical agents certificate;	289
(4) <u>(5)</u> A physician authorized under Chapter 4731. of the	290
Revised Code to practice medicine and surgery, osteopathic	291
medicine and surgery, or podiatric medicine and surgery;	292
(5) <u>(6)</u> A physician assistant who holds a license to	293
practice as a physician assistant issued under Chapter 4730. of	294
the Revised Code, holds a valid prescriber number issued by the	295
state medical board, and has been granted physician-delegated	296
prescriptive authority;	297
(6) <u>(7)</u> A veterinarian licensed under Chapter 4741. of the	298
Revised Code.	299
(J) "Sale" or "sell" includes any transaction made by any	300

person, whether as principal proprietor, agent, or employee, to 301
do or offer to do any of the following: deliver, distribute, 302
broker, exchange, gift or otherwise give away, or transfer, 303
whether the transfer is by passage of title, physical movement, 304
or both. 305

(K) "Wholesale sale" and "sale at wholesale" mean any sale 306
in which the purpose of the purchaser is to resell the article 307
purchased or received by the purchaser. 308

(L) "Retail sale" and "sale at retail" mean any sale other 309
than a wholesale sale or sale at wholesale. 310

(M) "Retail seller" means any person that sells any 311
dangerous drug to consumers without assuming control over and 312
responsibility for its administration. Mere advice or 313
instructions regarding administration do not constitute control 314
or establish responsibility. 315

(N) "Price information" means the price charged for a 316
prescription for a particular drug product and, in an easily 317
understandable manner, all of the following: 318

(1) The proprietary name of the drug product; 319

(2) The established (generic) name of the drug product; 320

(3) The strength of the drug product if the product 321
contains a single active ingredient or if the drug product 322
contains more than one active ingredient and a relevant strength 323
can be associated with the product without indicating each 324
active ingredient. The established name and quantity of each 325
active ingredient are required if such a relevant strength 326
cannot be so associated with a drug product containing more than 327
one ingredient. 328

(4) The dosage form;	329
(5) The price charged for a specific quantity of the drug product. The stated price shall include all charges to the consumer, including, but not limited to, the cost of the drug product, professional fees, handling fees, if any, and a statement identifying professional services routinely furnished by the pharmacy. Any mailing fees and delivery fees may be stated separately without repetition. The information shall not be false or misleading.	330 331 332 333 334 335 336 337
(O) "Wholesale distributor of dangerous drugs" or "wholesale distributor" means a person engaged in the sale of dangerous drugs at wholesale and includes any agent or employee of such a person authorized by the person to engage in the sale of dangerous drugs at wholesale.	338 339 340 341 342
(P) "Manufacturer of dangerous drugs" or "manufacturer" means a person, other than a pharmacist or prescriber, who manufactures dangerous drugs and who is engaged in the sale of those dangerous drugs.	343 344 345 346
(Q) "Terminal distributor of dangerous drugs" or "terminal distributor" means a person who is engaged in the sale of dangerous drugs at retail, or any person, other than a manufacturer, repackager, outsourcing facility, third-party logistics provider, wholesale distributor, or pharmacist, who has possession, custody, or control of dangerous drugs for any purpose other than for that person's own use and consumption. "Terminal distributor" 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.	347 348 349 350 351 352 353 354 355 356 357 358

(R) "Promote to the public" means disseminating a 359
representation to the public in any manner or by any means, 360
other than by labeling, for the purpose of inducing, or that is 361
likely to induce, directly or indirectly, the purchase of a 362
dangerous drug at retail. 363

(S) "Person" includes any individual, partnership, 364
association, limited liability company, or corporation, the 365
state, any political subdivision of the state, and any district, 366
department, or agency of the state or its political 367
subdivisions. 368

(T) "Animal shelter" means a facility operated by a humane 369
society or any society organized under Chapter 1717. of the 370
Revised Code or a dog pound operated pursuant to Chapter 955. of 371
the Revised Code. 372

(U) "Food" has the same meaning as in section 3715.01 of 373
the Revised Code. 374

(V) "Pain management clinic" has the same meaning as in 375
section 4731.054 of the Revised Code. 376

(W) "Investigational drug or product" means a drug or 377
product that has successfully completed phase one of the United 378
States food and drug administration clinical trials and remains 379
under clinical trial, but has not been approved for general use 380
by the United States food and drug administration. 381
"Investigational drug or product" does not include controlled 382
substances in schedule I, as established pursuant to section 383
3719.41 of the Revised Code, and as amended. 384

(X) "Product," when used in reference to an 385
investigational drug or product, means a biological product, 386
other than a drug, that is made from a natural human, animal, or 387

microorganism source and is intended to treat a disease or 388
medical condition. 389

(Y) "Third-party logistics provider" means a person that 390
provides or coordinates warehousing or other logistics services 391
pertaining to dangerous drugs including distribution, on behalf 392
of a manufacturer, wholesale distributor, or terminal 393
distributor of dangerous drugs, but does not take ownership of 394
the drugs or have responsibility to direct the sale or 395
disposition of the drugs. 396

(Z) "Repackager of dangerous drugs" or "repackager" means 397
a person that repacks and relabels dangerous drugs for sale or 398
distribution. 399

(AA) "Outsourcing facility" means a facility that is 400
engaged in the compounding and sale of sterile drugs and is 401
registered as an outsourcing facility with the United States 402
food and drug administration. 403

Sec. 4761.17. All of the following apply to the practice 404
of respiratory care by a person who holds a license or limited 405
permit issued under this chapter: 406

(A) The person shall practice only pursuant to a 407
prescription or other order for respiratory care issued by any 408
of the following: 409

(1) A physician; 410

(2) A clinical nurse specialist, certified nurse-midwife, 411
or certified nurse practitioner who holds a current, valid 412
license issued under Chapter 4723. of the Revised Code to 413
practice nursing as an advanced practice registered nurse and 414
has entered into a standard care arrangement with a physician; 415

(3) A certified registered nurse anesthetist who holds a 416
current, valid license issued under Chapter 4723. of the Revised 417
Code to practice nursing as an advanced practice registered 418
nurse and acts in compliance with division (B) of section 419
4723.43 of the Revised Code; 420

(4) A physician assistant who holds a valid prescriber 421
number issued by the state medical board, has been granted 422
physician-delegated prescriptive authority, and has entered into 423
a supervision agreement that allows the physician assistant to 424
prescribe or order respiratory care services. 425

(B) The person shall practice only under the supervision 426
of any of the following: 427

(1) A physician; 428

(2) A certified nurse practitioner, certified nurse- 429
midwife, or clinical nurse specialist; 430

(3) A physician assistant who is authorized to prescribe 431
or order respiratory care services as provided in division (A) 432
(3) of this section. 433

(C) (1) When practicing under the prescription or order of 434
a certified nurse practitioner, certified nurse midwife, or 435
clinical nurse specialist or under the supervision of such a 436
nurse, the person's administration of medication that requires a 437
prescription is limited to the drugs that the nurse is 438
authorized to prescribe pursuant to section 4723.481 of the 439
Revised Code. 440

(2) When practicing under the order of a certified 441
registered nurse anesthetist, the person's administration of 442
medication is limited to the drugs that the nurse is authorized 443
to order or direct the person to administer, as provided in 444

division (B) of section 4723.43 of the Revised Code. 445

(3) When practicing under the prescription or order of a 446
physician assistant or under the supervision of a physician 447
assistant, the person's administration of medication that 448
requires a prescription is limited to the drugs that the 449
physician assistant is authorized to prescribe pursuant to the 450
physician assistant's physician-delegated prescriptive 451
authority. 452

Section 2. That existing sections 4723.43, 4729.01, and 453
4761.17 of the Revised Code are hereby repealed. 454