



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

S.B. 61
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Burke

Elizabeth Molnar, Attorney

Summary

- Authorizes a certified registered nurse anesthetist to select, order, and administer drugs other than anesthesia in the immediate post-operative period if certain conditions are met.
- Requires the facility in which the nurse practices to develop a protocol specifying the drugs that the nurse may select, order, and administer and the procedures for doing so.
- Limits the drugs to those used only for the treatment of nausea, pain, or respiratory conditions related to the administration of anesthesia.
- Permits the nurse to direct another person to administer the drug under specified conditions.
- Allows the nurse's supervising physician, podiatrist, or dentist to prohibit, in certain circumstances, the nurse from selecting, ordering, or administering a drug for a patient.

Detailed Analysis

Certified registered nurse anesthetists

S.B. 61 changes the laws governing the practice of certified registered nurse anesthetists (CRNAs) by permitting a CRNA – in the immediate post-operative period – to select, order, and administer drugs other than anesthesia in accordance with a protocol that is adopted by the facility in which the CRNA practices. Certain conditions must be satisfied, however, before the CRNA may select, order, and administer the drug.¹

CRNA supervision and practice – background

Under existing law unchanged by the bill, a CRNA must practice under the direction of a supervising physician, podiatrist, or dentist. When administering anesthesia ordered by a

¹ R.C. 4723.484.

physician, podiatrist, or dentist, the CRNA must be in the immediate presence of the physician, podiatrist, or dentist.²

Current law grants each advanced practice registered nurse (APRN) specialty, other than the CRNA specialty, authority to prescribe or furnish most drugs and therapeutic devices as part of the APRN license.³ Accordingly, CRNAs lack authority at present to select and order anesthesia and other drugs.

Selecting, ordering, and administering drugs

The bill permits a CRNA to select, order, and administer drugs other than anesthesia, but only if the following conditions are met:

- The nurse selects, orders, and administers each drug at a hospital, an entity owned or controlled by a hospital, or an ambulatory surgical facility (facility).
- The medical staff of the facility has granted the nurse appropriate credentials or clinical privileges authorizing the nurse to select, order, and administer drugs.
- The nurse selects, orders, and administers each drug in the immediate post-operative period, which does not include the period of time when a patient is in the process of being moved or has been moved from a post-anesthesia care unit to another part of the facility.
- The nurse selects, orders, and administers each drug in accordance with a protocol that meets the bill's requirements.⁴

Protocol

The protocol must be established by the facility's medical, nursing, and pharmacy director.⁵ If the facility does not have a pharmacy director, then it may designate a consulting pharmacist for purposes of developing the protocol.

Protocol contents

Each protocol must address both of the following:⁶

- The one or more drugs other than anesthesia that the nurse may select, order, and administer to treat nausea, pain, or respiratory conditions related to the administration of anesthesia;
- The procedures to be followed by the nurse when selecting, ordering, and administering a drug under the protocol.

² R.C. 4723.01(M), not in the bill, and 4723.43(B).

³ R.C. 4723.43 and 4723.481, not in the bill.

⁴ R.C. 4723.484(A).

⁵ R.C. 4723.484(B)(1).

⁶ R.C. 4723.484(B)(2).

Prohibition on controlled substances

A protocol must prohibit the nurse from selecting and ordering a controlled substance.⁷

Authority not to exceed that of a supervising physician, podiatrist, or dentist

In establishing a protocol, the medical, nursing, and pharmacy director or consulting pharmacist cannot authorize a CRNA to select, order, or administer any drug that a supervising physician, podiatrist, or dentist is not authorized to prescribe.⁸

Opt-out provision

A CRNA is prohibited from selecting, ordering, and administering a drug other than anesthesia under the bill's provisions if the nurse's supervising physician, podiatrist, or dentist determines that it is not in a patient's best interest for the CRNA to do so. When a physician, podiatrist, or dentist makes this determination, the physician, podiatrist, or dentist must indicate in the patient's medical record that the nurse is prohibited from selecting or ordering for and administering to the patient any drug.⁹

Delegation

The bill authorizes a CRNA to direct another person to administer a drug other than anesthesia that the CRNA has selected and ordered in accordance with the bill's provisions. Before directing the other person, two conditions must be satisfied. First, the nurse must be in the operating room when giving the direction. Second, the other person must be authorized by law to administer the drug.¹⁰

Rulemaking

The Ohio Board of Nursing may adopt rules as necessary to implement the bill's provisions. All rules must be adopted in accordance with the Administrative Procedure Act.¹¹

Conforming changes

Because the bill authorizes a CRNA to select, order, and administer drugs under certain circumstances, it makes several conforming changes to the laws governing APRNs.¹²

⁷ R.C. 4723.484(B)(2).

⁸ R.C. 4723.484(B)(3).

⁹ R.C. 4723.484(C).

¹⁰ R.C. 4723.43(B).

¹¹ R.C. 4723.484(D) and R.C. Chapter 119, not in the bill.

¹² R.C. 4723.28 (Board of Nursing disciplinary actions), 4723.44 (unauthorized practice as a CRNA), 4723.50 (exclusionary formulary), and 4729.01 ("prescriber" definition).

History

Action	Date
Introduced	02-26-19
