




Ohio Nurse Practice Act

Nursing Responsibilities

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Learning Objectives

- Identify the major provisions of the Ohio Nurse Practice Act
- List the rights and responsibilities of the Ohio Board of Nursing
- Discuss the responsibilities required of all nurse licensees under the Ohio Nurse Practice Act
- Contrast the practice of registered nursing with that of advanced practice nursing


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Ohio Nurse Practice Act

OVERVIEW – MAJOR PROVISIONS

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Some Definitions

- ORC – Ohio Revised Code
 - The law
 - From legislators
 - ORC § 4723 is the NPA
- OAC – Ohio Administrative Code
 - The rules
 - From OBN and the legislators



Purposes

- Ohio Nurse Practice Act and Ohio Board of Nursing have one main purpose
 - NOT to protect the nurses!

“The mission of the Ohio Board of Nursing is to actively safeguard the health of the public through the effective regulation of nursing care”





Major Provisions

- Creation of Ohio Board of Nursing
 - Authorization to license and discipline
- Scope of nursing practice
- Standards for nursing practice
 - Nursing process
 - Safety
 - Prohibitions





Who Does NPA Govern?

- Nurses
 - RNs, LPNs, and APNs
- Dialysis technicians
- Community health workers
- NOT nurse aides or STNAs!!



Professional Nursing Organizations

- Voluntary membership based on specialty area
- Set guidelines for practice within specialty areas
- Offer certification
- Lobby state legislature to influence NPA
 - ONA, OAAPN, OSANA

OBN Membership

- 13 members
 - 8 RNs
 - 1 must also be an APN (any type)
 - 4 LPNs
 - 1 consumer (of nursing and dialysis care)
- Appointed by governor

Rights and Responsibilities

OHIO BOARD OF NURSING

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Approval of Pre-Licensure Programs

- Provisional approval to new or expanding programs
- Site visits to established programs
- Can revoke approval at any time
- Example: Breckinridge School of Nursing

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Program Approval

- Based on chapter 4723-5 of OAC
- “Competent and safe nursing practice begins with education programs that prepare individuals for nursing practice”
- Strategic initiative to ensure that new and established nursing education programs meet and maintain minimum theory, laboratory, clinical, supervision, faculty qualifications, and outcome standards

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NCLEX Authorizations

- OBN ensures that all people sitting for NCLEX in Ohio have:
 - Graduated from an approved pre-licensure program
 - Received approval from that program
 - Passed background check
- Issues Ohio licenses to those who pass



Licensure by Endorsement

- Must still pass background check and complete 2 hours of law CEs
- Ohio does not use the multi-state licensure compact
 - "At this time, the Board continues to believe the potential risks of harm to the public outweigh the potential benefits because nurses with multi-state licenses could practice in Ohio without meeting the current statutory and regulatory standards"



Complaint Investigation

- Can be filed by anyone
- OBN determines whether NPA was violated
- OBN has discretion to act on minor violations
- Goal is public protection
- Referral to other agencies possible



Discipline Process

- Follow due process
 - Chapter 119 of ORC
- Investigation by proper authority (may be DOH)
- Formal charges – notice of opportunity for hearing
- Hearing officer makes determination and recommends action



Disciplinary Action

- Depends on severity of violation
 - Action taken on about 25-30% of complaints
- Could be a letter requesting additional CE
- Other possibilities:
 - Suspension
 - Revocation
 - Criminal charges (with state attorney general)



So What's a Violation?

- Action taken by **another** state for any reason other than failure to renew
- Engaging in practice while license is under suspension or expired
- Guilty pleas or convictions related to a misdemeanor committed in the course of nursing practice
- Guilty pleas or convictions related to a felony or crime involving gross immorality or moral turpitude
- Drug convictions



More Violations

- Self-administration of drugs not per prescription
- Impaired practice due to drugs, alcohol, etc.
- Habitual or excessive use of drugs, alcohol, etc. that impair ability to practice
- Impaired practice because of physical or mental impairment
- Adjudication of mental illness or incompetence
- Practicing outside your scope of practice



Still More

- Assaulting or harming a pt, or depriving them of ways of summoning help
- Misappropriating (or trying to) money/ valuables in the course of practice
- Failure to practice according to stds of safe care, including failure to use universal precautions
- Failure to keep professional boundaries
- Helping the unlicensed practice of nursing





And Finally...

- Assisting suicide or prescribing any drug or device to perform or induce an abortion or actually performing/inducing an abortion
- Violation of the NPA or any of its rules (the catch-all)





O.R.C. 4723.01(B)

SCOPE & STANDARDS OF PRACTICE

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Practice of Nursing as an RN

- “Providing to individuals and groups nursing care derived from the principles of biological, physical, behavioral, social, and nursing sciences”
- Includes 6 functions

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Independent Functions of RNs

- Identify patterns of human responses to action or potential health problems
- Select, perform, manage, and evaluate nursing actions
- Assess health status to provide nursing care
- Provide health counseling and teaching
- Teach, administer, supervise, delegate, and evaluate nursing practice

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Dependent Function of RNs

- Administer medications and treatments as authorized
 - From a licensed provider
 - Also have a duty to ensure that the order is appropriate



LPNs

- Have no independent functions
- Are always at the direction of an RN, physician, dentist, optometrist, chiropractor, or podiatrist



What About Specialty Areas?

- Many professional organizations also issue scope of practice information
- RNs in these specialty areas must follow BOTH the NPA and these documents
- Examples: AACN, ONS



When Is the NPA Applicable?

- Only when getting paid?
- When volunteering?
- When people ask your advice?
- When you stop on the side of the road?
- Only when in your traditional practice environment?



Use of Clinical Judgment (OAC 4723-4-07)

- Assessment
- Analysis, including nursing diagnoses
- Planning, including desired outcomes that are in line with current scientific evidence
- Implementation
- Evaluation, including revision of diagnoses as necessary





Standards of Practice (OAC 4723-4)

- Duty to clarify orders
- Duty to maintain confidentiality
- Duty to display title or initials
- Duty to promote safe environment
- Duty to maintain professional boundaries





Delegation – Definition

- Transfer of responsibility for **performance** of a nursing task from someone who has **authority** to perform the task to someone who does not






Conditions for Delegation

- Task is within **your** scope of practice
- **You** know how to do the task
- The person it's delegated to knows how to do the task and knows that they need to perform it as specified
 - Evidence of education/training
- Resources, support, and supervision are available



ADVANCED PRACTICE NURSING

Scope of Practice



- RN scope of practice as described before
PLUS
- Additional practice areas as defined in 4723.43 for CNMs, CRNAs, CNPs, and CNSs

They're still bound by the traditional RN rules, too!



CNM – 4723.43(A)

- In collaboration with one or more physicians
- Management of preventive services and primary care services for women antepartally, intrapartally, postpartally, and gynecologically

CRNA – 4723.43(B)

- With supervision and in immediate presence of physician, podiatrist, dentist
- Administer anesthesia and perform anesthesia induction, maintenance, and emergence
- With supervision, may perform pre-anesthetic preparation and evaluation, post-anesthesia care, and clinical support functions

CNP – 4723.43(C)

- In collaboration with one or more physicians
- Provide acute, preventive, and primary care services
 - **Acute care added in 2013
- Evaluate and promote wellness within the nurse's specialty



CNS – 4723.43(D)

- In collaboration with one or more physicians
- Provide and manage care of individuals and groups with complex health problems
- Provide health services that promote, improve, and manage healthcare within the nurse's specialty



APN General Requirements

- Collaborative practice with a physician
 - Note that this is supervision with CRNA
 - Need collaborative practice agreement
- Graduation from accredited institution with a major in that specialty
- Certification from national organization
 - Must meet certain criteria



QUESTIONS?

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