

Ohio Nursing Law



This continuing nursing education (CNE) booklet is offered to Ohio nurses as a way to meet the requirement for 1 contact hour of CNE directly related to the Ohio Nurse Practice Act.

A publication for all members of the nursing profession.

1 Does the Ohio Nurse Practice Act Allow Me to do This?

This continuing nursing education activity was approved by the Ohio Nurses Association, an accredited approver by the American Nurses Credentialing Center's Commission on Accreditation (OBN-001-91).

Approval valid through: January 4, 2021

Assigned ONA # 22041

Contact Hour(s): 1.0

Program Fee: \$15.00

featuring:

Specific Drugs for Administration by RNs

The Use of Ultrasound by RNs and LPNs

Title: Does the Ohio Nurse Practice Act Allow Me to do This?

Target Audience: Ohio Registered Nurses. This CE is good for credit for all licensees and certificate holders of the Ohio Board of Nursing.

Category A: This program provides 1.0 contact hours of **Category A** continuing nursing education related to the Ohio Nurse Practice Act and the rules of the Ohio Board of Nursing.

“Category A” means the portion of continuing nursing education that meets the one hour requirement directly related to Chapter 4723 of the Revised Code and the rules of the Board of Nursing as set forth in section 4723 of the Administrative Code.

Media: hard-copy enduring print booklet, or online at www.ohionursinglaw.com or www.selectce.org

Fee Information: \$15.00

Estimated Time to Complete the Activity: 60 minutes

Procedures: To receive credit for completing this activity, read this booklet, complete the post-test questions and evaluation on the Answer Sheet, and either:

i) mail the Answer Sheet and the program fee to us. You will receive a Statement of Credit mailed to you within 10 business days. Checks or money orders are encouraged. Mail to: Ohio Nursing Law, P.O. Box 21186, Columbus, Ohio 43221- 0186;

or

ii) use our online test-taking website www.ohionursinglaw.com. Follow the instructions on the website, using any major credit card to pay the program fee. Upon passing the test, you will receive immediate confirmation via email, and your official Statement of Credit will be sent within 5 days. Refunds are not provided, unless you mistakenly make too many online payments or some such other snafu.

A minimum score of 70% is required to earn a Statement of Credit.

CE Planning Team: Our Nurse Planner for this program is Mark Laubacher, RN, BSN, CEN, CSPI, EMT-P. Faculty is Patti Nussle, JD.

Disclosure of Commercialism, Unlabeled Uses, Bias, Conflicts of Interest: Prior to the delivery of the content, we offer these disclosures: All persons in a position to influence the content of this activity, including each member of the CE Planning Team listed above, report no bias or conflicts of interest.

Goal Statement: The goal of this activity is for the learner to acquire knowledge of sections of the Ohio Revised Code that may affect their healthcare practice, in order to promote professional development and enhance the learner's contribution to quality health care and the pursuit of professional goals.

Objective: At the conclusion of this program, participants should be able to a) state a nurse's legal role regarding administration of specific drugs, and b) state the legal role of a nurse's use of ultrasound.

Important Note: This is a continuing education program. It is not legal advice. Do not rely on this continuing education activity as legal authority. If you do have a legal problem or question, consult an attorney experienced in nursing law matters to discuss your specific situation.

Questions? Email us at patti@selectce.org, or call us at 614-481-8711.

Thank you! We truly enjoy serving you!

In this continuing education offering, we present the Board of Nursing's recent articles in its *Momentum* magazine in which the Board answers specific practice questions in relation to the Ohio Nurse Practice Act.

Administration of Specific Drugs by RNs¹

Are RNs prohibited from administering low dose ketamine purposes of pain control or treatment of depression? Can an RN administer propofol for sedation? What about methotrexate?

The Board has recently received questions about RN administration of these specific drugs. RNs are informing the Board that they may be asked to administer ketamine due to shortages of other drugs or because a prescriber is decreasing the use of other drugs, or that propofol is the sedation drug ordered by some physicians. Further, RNs question the use of methotrexate, which may be used for various purposes, including termination of ectopic pregnancies.

While there is no list of medications that RNs may administer, questions about drug administration should first be considered by reviewing the purpose for which the drug is ordered and the clinical circumstances in which the medication will be administered. This type of analysis will

Question 1:

The list of medications RN may administer can be found:

- a. on the Board of Nursing's website;
- b. on the Medical Board's website;
- c. in the Ohio Nurse Practice Act;
- d. there is no list of medications that RNs may administer.

help determine whether the administration is within the RN licensed scope of practice, and whether the drug administration is otherwise prohibited by law. See Sections 4723.01(B) and 4723.151, Ohio Revised Code (ORC). In addition to understanding why the medication is

¹ From the Summer 2018 *Momentum*, the official journal of the Ohio Board of Nursing.

ordered, clinical circumstances are also determining factors as to whether the RN may safely administer the drug in accordance with acceptable standards of care established in Chapter 4723-4, Ohio Administrative Code (OAC).

For example, AG Opinion 2005-012 (addressing Section 4723.151(C), ORC), specifies that nurses are prohibited from administering methotrexate, or any other drug, for the purpose of terminating a live pregnancy including ectopic pregnancies. The RN may administer methotrexate for other purposes, such as treatment of rheumatoid arthritis

Question 2:

Questions RNs should ask themselves prior to administering any specific drug include:

- a. what is the purpose for which the drug is ordered;
- b. what are the clinical circumstances;
- c. is this drug administration within my scope of practice;
- d. all of the above.

and other conditions, but the RN is responsible for identifying if there are any contraindications to the administration of the methotrexate, including verifying that a patient is not pregnant before implementing the order for the drug.

A RN, who is not a CRNA, is not authorized to administer medications like ketamine and propofol, or any other drug for the purpose of deep sedation and/or general anesthesia. If the purpose is for mild or moderate sedation, the RN may administer the drug in the prescriber ordered dosage. In addition, if the medication is ordered for pain control, the RN may administer the drug in the prescriber ordered dosage, but if the RN believes the dosage may result in deep sedation, the RN should discuss this with the prescriber before administering the drug. See Rule 4723-4-03(E) and (F), OAC.

The Board has published an Interpretive Guideline (IG) regarding RN administration of IV medications for purposes of procedural moderate sedation that addresses RN administration of sedating drugs. The IG may

be of interest to those who have questions. See “Utilizing Interpretive Guidelines,” and other practice resources at www.nursing.ohio.gov (click on the Practice RN and LPN link). Relevant rules, summarized below, also can be accessed on the Board website at the Law and Rules link.

- Rule 4723-4-03(D)(4), OAC, requires a RN to have a specific current order, from an authorized prescriber, for the medication, treatment or regimen that the nurse is to administer or carry out. Standards governing the individual’s professional practice, including the administration of specific drugs by RNs are found in Chapter 4723-4, OAC.
- Rule 4723-4-03(E), OAC, states that the RN will timely implement the order, unless the RN believes or has reason to believe the order is inaccurate, not properly authorized, not current or valid, is harmful or potentially harmful to the patient, or is contraindicated by other documented information that the RN is required to seek for clarification of the order.
- Rule 4723-4-03(J), OAC, states that the RN shall use acceptable standards of safe nursing care as a basis for any observation.
- Rules 4723-4-03 and 4723-4-06, OAC, further govern competency in practice and the standards of nursing practice respectively, requiring that the RN who is implementing an order make a case-by-case decision based upon competent and safe nursing practice. The RN must determine if appropriate resources, including supportive personnel, are available to implement an order. Rule 4723-4-06(H), OAC requires the implementation of measures to promote a safe environment for each patient.

In addition, RNs should review employer policies as they relate to nursing practice, because employers may choose to adopt policies that are more restrictive than the Nurse Practice Act and administrative rules. Work policies may restrict RNs from administering specific types or classifications of drugs.

Please contact the Board at practiceRNandLPN@nursing.ohio.gov if you have questions. Please subscribe to eNews on the Board website at www.nursing.ohio.gov or follow social media for updates and alerts.

Question 3:

RNs may administer methotrexate:

- a. for the treatment of rheumatoid arthritis;
- b. for the treatment of rheumatoid arthritis, only if the RN has first verified the patient is not pregnant;
- c. for any purpose as long as it was ordered by a physician;
- d. only in a hospital setting.

Question 4:

RNs may administer ketamine:

- a. for the purpose of pain control;
- b. for the purpose of mild or moderate sedation;
- c. for the purpose of deep sedation or general anesthesia;
- d. a and b may be acceptable.

Question 5:

Relevant rules that govern a RNs administration of propofol include these standards of practice:

- a. timely implementation of a valid order (4723-4-03(E));
- b. observation using acceptable methods of safe nursing care (4723-4-03(J));
- c. determination if appropriate resources are available to implement the order (4723-4-03 and 4723-4-06);
- d. all of the above.

The Use of Ultrasound by RNs and LPNs²

The Board recently received questions regarding a nurse’s use of various types of ultrasound technology or devices during the course of their nursing practice. For example, can a RN use ultrasound technology to guide insertion of a peripherally inserted central catheter, or can a nurse use an ultrasound device to assess a patient’s urinary bladder volume? Also, may a RN perform limited obstetrical ultrasounds for purposes of providing nursing care? To answer these types of practice questions, nurses can use the Board Decision-Making Model found on the Board website at www.nursing.ohio.gov under the “Practice RN and LPN” link.

The Decision-Making Model is a process to determine whether a specific nursing procedure, task or activity is:

- (a) consistent with their scope of practice, including standards of practice;
- (b) prohibited by other laws or rules;
- (c) appropriate to perform based on the nurse’s knowledge and skills; and
- (d) appropriate based on the clinical situation or procedure.

Question 6:

The Decision-Making Model is:

- a. a process;
- b. helps a nurse determine whether she/he can do a specific nursing procedure, task or activity;
- c. used by the Board of Nursing to answer nurses’ questions regarding a specific nursing procedure, task or activity;
- d. all of the above are true.

The following outlines the process in relation to the use of ultrasound technology/devices.

² From the Summer 2018 *Momentum*, the official journal of the Ohio Board of Nursing.

- Scope and standards of practice: Scope of practice is set forth in Section 4723.01(B), Ohio Revised Code (ORC), for RN practice, and in Section 4723.01(F), ORC, for LPN practice. In addition, RNs and LPNs are responsible for following the administrative rules, “Standards of Practice for RNs and LPNs” in Chapter 4723-4 of the Ohio Administrative Code (OAC). The Nurse Practice Act (Chapter 4723, ORC) and Administrative Rules (Chapter 4723, OAC) are available for review in their entirety on the Board website under the “Law and Rules” link.

Question 7:

The Decision-Making Model has the nurse ask himself/herself these questions about a specific nursing activity:

- a. is it consistent with my scope of practice set forth in Ohio' Nurse Practice Act?
- b. is it prohibited by other laws or rules?
- c. is it appropriate for me to perform this procedure, based on my knowledge and skills and also on the clinical situation?
- d. all of the above are true.

- Other law or rules that apply to prohibit the activity or task: Consider if the operator of an ultrasound device needs a license or are there any regulations about the use of the device? It does not appear that there are any other federal or state laws that would apply so a nurse may use an ultrasound device for the purpose for which it was designed and manufactured as long as the nurse is educated and competent in its correct use.

- Appropriate to perform the activity or task based on the nurse's knowledge and skills: Rule 4723-4-03(D), OAC, states that a RN may provide nursing care that is beyond basic nursing preparation if the RN obtains education from a recognized body of knowledge relative to the nursing care to be provided; the nurse demonstrates the knowledge and skills necessary to provide the care; the nurse maintains documentation of meeting the requirements to perform the care; and, when the nurse is providing care pursuant to 4723.01(B)(5), has a specific, current order from an authorized provider. In addition, the nursing care cannot involve

Question 8:

Regarding an ultrasound machine, it appears there are no state or federal laws that regulate it or require a license to operate. This means that a nurse:

- a. can use it at any time and for any purpose;
- b. can use it only for the purpose for which it was designed;
- c. can use it only if the nurse is educated and competent in its use;
- d. both b and c are required.

a function or procedure that is prohibited by any other law or rule. Similarly, Rule 4723-4-04(D), OAC, states that a LPN may provide nursing care that is beyond basic preparation for a LPN if the LPN obtains education that emanates from a recognized body of knowledge relative to the nursing care to be provided; demonstrates knowledge, skills, and abilities necessary to perform the nursing care; maintains documentation of meeting the requirements to provide the care; has a specific, current valid order from an authorized provider or direction from a RN; and the nursing care does not involve a function or procedure that is prohibited by any other law or rule.

• RN clinical situation or procedure: A clinical situation for the RN use of ultrasound technology devices could be frequent assessment of urinary bladder volume. If RNs have been educated and are competent in the use of ultrasonography bladder scanners, they may use the device within their practice. This also applies to a RN who performs limited obstetrical ultrasound in the course of executing a nursing regimen. Similarly, if the RN has an order to insert a peripherally inserted central catheter, the RN may use an ultrasound device to assist with imaging blood vessels during the insertion. If the use of the ultrasound device is for purposes of the RN's nursing regimen, an authorized provider order is not required, although nursing employers may require an order based on the employer's policies. Also, if a RN's patient is under the care of, for example, a physician urologist, and the urologist authorizes a specific urological care regimen that includes bladder scanning, the RN would be

practicing in accordance with Section 4723.01(B)(5), ORC, and need an order to document the regimen the RN is to implement for the physician.

• LPN clinical situation or procedure: Consistent with the LPN scope of practice the authority of a LPN to use an ultrasound device is dependent on the direction the LPN receives from the RN or physician. For example, a clinical situation for the LPN use of ultrasound technology devices to assist with peripheral IV insertion would be dependent on the RN or other directing health care provider's consideration of the patient condition, skill of the LPN, and other factors. Similarly, a qualified LPN, under the direction of a RN or an authorized provider, is not prohibited from collecting and documenting specific data through the performance of limited obstetrical ultrasounds that will be used by a RN for purposes of nursing care or an authorized provider to determine a medical diagnosis or a medical treatment. In either case, when the LPN is implementing an order or direction, the LPN must implement the order or direction consistent with Rule 4723-4-04, OAC. When a RN is directing the LPN's practice, the RN is required to first assess the condition of the patient who needs nursing care, the type of nursing care the patient requires, the complexity and frequency of the nursing care needed, the training, skill and ability of the LPN who will be performing the specific function or procedures to do so, and the availability and accessibility of resources necessary to safely perform the function or procedure. Rule 4723-4-03(K), OAC.

Question 9:

When an RN is directing the LPN's practice, the RN is required to first assess:

- a. the condition of the patient and the type of nursing care the patient requires;
- b. the complexity and frequency of the nursing care needed;
- c. the training, skill and ability of the LPN who will be performing the specific function or procedure;
- d. all of the above are true.

In summary, a RN or LPN who completed education on the use of specific ultrasound devices and has documented their knowledge, skills and abilities in the use of the ultrasound device may use it, if its use is consistent with the RN and/or LPN scope of practice, the device is not being used in a manner or for a purpose that is otherwise prohibited by any other state or federal law, and if this activity or task is safe and appropriate to perform with the patient.

In addition, nurses need to be aware that they must demonstrate competence and accountability in all areas of practice including consistent performance of all aspects of nursing care; and recognition, referral or consultation, and intervention when a complication arises. See Rule 4723-4-03(C), OAC (RN practice); and Rule 4723-4-04(C), OAC, (LPN practice).

Question 10:

In summary, a RN or LPN may use an ultrasound if the nurse:

- a. completed education on the use of specific device and also has documented their knowledge, skills and abilities to use it;
- b. has a scope of practice that is consistent with the use of an ultrasound machine;
- c. uses the machine in a manner and purpose for which it was designed and safely and appropriately performs uses the machine with a patient;
- d. all of the above are true.

The Board and many nursing boards across the country use decision-making models to assist licensees to better understand the laws and rules affecting their practice. The Board also publishes Interpretive Guidelines that address specific practices and these are available on the Board website. Additional RN and LPN practice resources can be found on the “Practice RN and LPN” page on the Board website. If you have a practice question, please email PracticeRNandLPN@nursing.ohio.gov or PracticeAPRN@nursing.ohio.gov.

Return this ANSWER SHEET and \$15.00 Program Fee to:

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P.O. Box 21186
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NAME: (print neatly, please)	
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ANSWER SHEET – Does the Ohio Nurse Practice Act Allow Me to do This?

ONA #22041; Expiration Date is January 4, 2021

- | | | | | | | | | | |
|----|---|---|---|---|-----|---|---|---|---|
| 1. | a | b | c | d | 6. | a | b | c | d |
| 2. | a | b | c | d | 7. | a | b | c | d |
| 3. | a | b | c | d | 8. | a | b | c | d |
| 4. | a | b | c | d | 9. | a | b | c | d |
| 5. | a | b | c | d | 10. | a | b | c | d |

11. Objective Met: After completing this program, I am able to *state a nurse's legal role regarding administration of specific drugs*: Yes No

12. Objective Met: After completing this program, I am able to *state the nurse's legal role in the use of ultrasound*: Yes No

13. This CE activity met my educational needs: Yes No

14. The quality of the faculty was: Great OK Needs to Improve

15. The usefulness of the learning material was: Great OK Needs to Improve

16. The effectiveness of the teaching and learning methods, including active learning, was: Great OK Needs to Improve

17. The appropriateness of the learning assessment activity (the post-test) was: Great OK Needs to Improve

18. If you perceived any bias or commercialism, please describe:

19. How long did it take you to complete this activity? _____

20. Other comments: _____

Thank you!

? _____ *Thank you!*

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