The Ohio Nurse Practice Act

Course ID: 1049 - Credit Hours: 1

Author(s)
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Disclosures
none

Audience
RNs, other health care workers

Accreditation
KLA Education Services LLC is accredited by the State of California Board of Registered Nursing, Provider # 00469222.

Course Objectives
Upon completion of this course participants will be able to:

1. Describe the Ohio nurse practice act.
2. Describe the Ohio Board’s Organization and the Mission of the Board.
3. Discuss the standards of practice for nurses.
4. Understand disciplinary actions.
Introduction

According to the Ohio Nurse Practice Act, nurses are legally authorized in the state of Ohio “to practice to provide safe nursing care with satisfactory and established standards”. This Act was made in 1915 by the Ohio Legislature to legalize the nursing practice by increasing the competency, education and standards of practice to provide higher level of care to the patients. Initially healthcare professionals created resistance for the Act but accepted in time [1]. Registered nurses, licensed practical nurses and advanced practice registered nurses are codified and recognized to practice in the state of Ohio.

Figure 1: Registered Nurse (Source: www.theguardian.com)

To administer and enforce Chapter 4723 of the Ohio Revised Code (ORC) [2], the Ohio Board of Nursing is made responsible as an agency of the state. The practice of following persons is regulated by the Board according to the administrative rules mentioned in Chapter 4723 of the Ohio Administrative Code (OAC) [3]:

- Registered nurses (RNs)
- Advanced practice registered nurses
  - Certified nurse practitioners
  - Clinical nurse specialists
  - Certified nurse midwives
  - Certified registered nurse anesthetists
- Licensed practical nurses (LPNs)
- Dialysis technicians
- Medication aides
- Community health workers
It is necessary to review the Code of the Ohio Board of Nursing one time in every five years according to the state law. It can be helpful to perform careful practice by reviewing the basic standards of practice periodically for both the RN and LPN. In this course, legal parameters and standards of practice for nurses mentioned in Chapter 4723 are given to help with understanding the law.

**Board Organization and Mission**

There are 13 members in the Ohio Board of Nursing. These members are:

- Registered nurses - eight in number (one of them should be certified to work as an advanced practice registered nurse)
- Licensed practical nurses four in number
- Consumer member - one in number to deal with the interests of consumers related to healthcare

There is a president and vice-president elected by the members of the Board from the members for one year duration. Board members are bound to serve for four years from 1<sup>st</sup> day of January to the 31<sup>st</sup> day of December. A registered nurse is employed as a full-time Executive Director by the Board.

![Figure 2: Board of Nursing (Source: www.nursingcalling.com)](image-url)
The mission of the Board is “to enthusiastically protect the health of the public through the effective regulation of nursing care”. Informed deviation from the standards in accordance with intention, pattern and condition are evaluated by the Board. A nurse is judged through due process action after finding a probable violation. Following actions may be taken by the Board when nursing standards have been broken in accordance with nursing process, patient protection, skilled practice, or appropriate devotion:

- Cancellation of the nurse’s license
- Restrictions on the nurse’s license
- Warning and levy a fine
- No action

Standards of Practice

The basic standards of skilled practice, in a straight way, impact on the methods to provide care by both RNs and LPNs. A nurse should have the knowledge of lawful and current care standards. This knowledge should be exhibited through continuous practice and intervention to avoid unlawful, unsuitable, mistaken, illegal or contraindicated nonperformance of care. A tool is provided by the Board for scope of decision making practice. It may be determined by this tool whether any activity is within the standards of practice or not.
Figure 4: Scope of Practice Decision Making Model (Source: www.netce.com)
Standards for Applying the Nursing Process as a Registered Nurse

In the Ohio Nurse Practice Act, meaning of registered nurse is “providing nursing care to individuals and groups with the specialized knowledge, decision and ability taken from the principles of physical, social, biological, behavioral and nursing sciences”. The further definition of the scope of practice of a RN by ORC is mentioned in given table 1.

<table>
<thead>
<tr>
<th>Definition of Registered Nurse by ORC</th>
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<tbody>
<tr>
<td>• Identifying patterns of human responses to actual or potential health problems amenable to a nursing regimen</td>
</tr>
<tr>
<td>• Executing a nursing regimen through the selection, performance, management, and evaluation of nursing actions</td>
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<tr>
<td>• Assessing health status for the purpose of providing nursing care</td>
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<tr>
<td>• Providing health counseling and health teaching</td>
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<tr>
<td>• Administering medications, treatments, and executing regimens authorized by an individual who is authorized to practice in this state and is acting within the course of the individual’s professional practice</td>
</tr>
<tr>
<td>• Teaching, administering, supervising, delegating, and evaluating nursing practice</td>
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Table 1: Definition of Registered Nurse by ORC

Along with his/her knowledge, OAC also outlined nursing processes of evaluation, analysis, preparation, performance and estimation to do duties by the RN. These are mentioned in the given table 2.
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Table 2: Nursing Process Outlined by OAC for RN

Standards for Nursing Process Applying as a Licensed Practical Nurse

According to the Nurse Practice Act, the definition of a nurse practicing as an LPN is “providing nursing care to individuals and groups with the specialized knowledge, decision and ability taken from the principles of physical, social, biological, behavioral and nursing sciences”. Special tasks are given regarding the care of the patient while training and supervising the LPN. While providing information to the others, the practical nurse helps in evaluation, preparation, performance and estimation of care. These are mentioned in the given table 3.
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Table 3: Standards for Practicing as a Licensed Practice Nurse

<table>
<thead>
<tr>
<th>Standards of Practice for LPNs in the State of Ohio</th>
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<tbody>
<tr>
<td>• Ohio Board of Nursing: 4723-4-04</td>
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<tr>
<td>• Maintain knowledge</td>
</tr>
<tr>
<td>• Demonstrate competence</td>
</tr>
<tr>
<td>• Provide nursing care according to education</td>
</tr>
<tr>
<td>• Nursing care does not involve a function or procedure which is prohibited by the law</td>
</tr>
<tr>
<td>• Implement regimens in a timely manner</td>
</tr>
<tr>
<td>• Will clarify prescribed regimen when unsure</td>
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</tbody>
</table>

Figure 6: Standards of Practice for LPNs (Source: www.freeapktodownload.com)
Advanced Practice Registered Nurses

Nation certifying organization grants a specialty certification in a specified field of nursing to the registered nurse with a valid license to practice nursing in Ohio. These nurses are known as advanced practice registered nurses (APRNs). Following nurses are included in APRNs:

- Certified registered nurse anesthetists
- Clinical nurse specialists
- Certified nurse-midwives
- Certified nurse practitioners

Advanced formal education and clinical experience is required to provide nursing care by an APRN.

A certified nurse-midwife along with one or more physicians can manage the preventive measures and primary health care services for women gynecologically, antepartally, intrapartally and postpartally due to proper education and certification of nurse according to the rules provided by the Board of Nursing. Following procedures are allowed to perform by the certified nurse-midwife:

- Episiotomies
- Normal vaginal deliveries
- Repair of vaginal tears

A certified nurse-midwife is not allowed to perform following procedures except in emergencies:

- Version
- Delivery of breech or face presentation
- Use of forceps
- To do any obstetric operation
- To treat any other abnormal condition

Under the supervision and presence of a physician, podiatrist or dentist, a certified registered nurse anesthetist can perform following according to the rules provided by the Board of Nursing:

- Induction of anesthesia
- Maintenance of anesthesia
- Pre-anesthetic preparation and evaluation
- Post-anesthesia care
- Clinical support functions

In the state of Ohio, a certificate is not required to a certified registered nurse anesthetist to give anesthesia care.
With the help of one or more physicians, a **certified nurse practitioner** can provide following care services in his/her nursing specialty according to the rules provided by the Board:

- Preventive and primary care services
- Services for management of acute illness
- Evaluation and promotion of patient wellness

A clinical nurse specialist can provide following care services in his/her nursing specialty with the association of one or more physicians or podiatrists:

- Health care services for individuals and groups with complex health problems
- Health care services to promote, improve and manage the health care in specified nursing specialty

A certified nurse practitioner or clinical nurse specialist can determine and declare the death of an individual in following circumstances:

- If the respiratory and circulatory functions of the patient are not being sustained artificially
- If the patient is attaining care in a nursing home, hospital or home for the aging
- If the nurse is providing care through hospital care program

It is responsibility of the nurse to notify the attending physician of individual about the determination and declaration of death of the patient within 24 hours [4]. It is not the responsibility of the nurse to fill any column of the death certificate.

**Who are Advanced Practice Registered Nurses?**

**Advanced Practice Registered Nurses (APRNs):**

- Are registered nurses (RNs) with master’s, post-master’s or doctoral degrees.
- Pass national certification exams.
- Teach and counsel patients to understand their health problems and what they can do to get better.
- Coordinate care and advocate for patients in the complex health system.
- Refer patients to physicians and other health care providers.

**Figure 7: Advanced Practice Registered Nurses (Source: www.compaignforaction.org)**
Standards of Nursing Practice Promoting Patient Safety

It is the responsibility of the licensed nurse to provide safe patient care. The standards are mentioned in the table 4 that every nurse should do.

<table>
<thead>
<tr>
<th>Standards for Patient Safety</th>
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<tbody>
<tr>
<td>• Display applicable identification indicating licensure as a registered nurse or licensed practical nurse, including area of practice (e.g., certified nurse-midwife).</td>
</tr>
<tr>
<td>• Identify to each patient or healthcare professional the nurse’s title or initials when engaged in nursing practice through telecommunications.</td>
</tr>
<tr>
<td>• Delegate a nursing task only in accordance with Board rules.</td>
</tr>
<tr>
<td>• Report and document nursing assessments or observations in a complete, accurate, and timely manner. This includes care provided by the nurse for the patient, and the patient's response to that care.</td>
</tr>
<tr>
<td>• Report to the appropriate practitioner errors in or deviations from the current valid order.</td>
</tr>
</tbody>
</table>

Table 4: Standards to Provide Patient Safety

It is stated in OAC 4723-4-06 that measurements should be taken by all licensed nurses to enhance the safe environment for each patient. Professional boundaries should be delineated, established and maintained with each patient. Each patient should be treated with politeness, respect and complete acknowledgment of dignity and individuality by licensed nurse while giving nursing care directly to a patient. There should be complete privacy during the examination and treatment of the patient. Licensed nurses should not behave in such a way that causes physical, emotional, verbal and mental torture to the patient.

It is strictly prohibited for licensed nurses to misappropriate patient property or involve in personal relationships inappropriately. These misconducts are mentioned in table 5 and should be avoided from these misconducts.
Table 5: Misconducts of Licensed Nurses

A licensed nurse should avoid engaging in sexual relationships with patients as mentioned in the table 6.

Table 6: Sexual Misconducts of Licensed Nurses

Disciplinary Actions

A disciplinary action may be taken by the Board against a nurse who commits scam by misrepresentation while applying for renewal of a nursing license. A fine of $500 per violation may be imposed for many reasons by the Board.

Disciplinary action may be taken against a nurse if he/she is involved in criminal activity. Sanctions may be imposed due to involvement in the illegal acts such as illegal sale of drugs. A sanction by the Board may also be applied to any action that impacts injury. Self-prescribed drugs, depended drugs, alcohol and other related chemicals are included in this action. The ability of the nurse to practice in accordance with the standards of the Board is disturbed due to physical or mental disability and license to practice may be revoked by the Board. The license may be reinstated by the Board on providing proof of competence.
Other violations that are ground for disciplinary action are as follows[5,6]:

- Causing harm to a patient
- Depriving a patient to get assistance
- Using intentional misrepresentation to get money
- Engaging in sexually unsuitable behavior
- Violating safety precautions
  - failure to use universal blood
  - failure to practice according to the satisfactory standards of safe nursing care
- Engaging in activities exceeded from the scope of practice

Figure 8: Disciplinary Action of Board (Source: www.ce4nurses.org)

Conclusion

The Ohio Board of Nursing is responsible to impose the laws and rules to regulate safe nursing practice. Every patient needs standard health care. A license is issued to the nurse to do practice according to the standards provided by the Board of Nursing. The license of the nurse can be cancelled if the misconduct is performed by the licensed nurse.
References