

\*\*\* DRAFT - NOT YET FILED \*\*\*

TO BE RESCINDED

4723-9-10                      **Formulary.**

- (A) The formulary, as established by the committee on prescriptive governance, shall be available on the Ohio board of nursing web site, located at <http://www.nursing.ohio.gov/Practice-CTP.htm> (effective 2015).
- (B) The committee on prescriptive governance shall review the formulary, located at <http://www.nursing.ohio.gov/Practice-CTP.htm> (effective 2015), for additions or deletions at least twice a year.
- (C) The committee on prescriptive governance shall establish a formulary, located at <http://www.nursing.ohio.gov/Practice-CTP.htm> (effective 2015), and may exclude subtypes or individual drugs within the following types of drugs:
  - (1) Nutrients and nutritional agents;
  - (2) Hematological agents;
  - (3) Endocrine and metabolic agents;
  - (4) Cardiovascular agents;
  - (5) Renal and genitourinary agents;
  - (6) Respiratory agents;
  - (7) Central nervous system agents;
  - (8) Gastrointestinal agents;
  - (9) Anti-infective and systemic agents;
  - (10) Biologic/immunologic agents;
  - (11) Dermatologic agents;
  - (12) Ophthalmic and otic agents;

- (13) Antineoplastic agents; and
  - (14) Diagnostic aids.
- (D) Except as provided in paragraph (D)(4) of this rule, a nurse with a current valid certificate to prescribe may prescribe a schedule II controlled substance only in situations where all of the following apply:
- (1) A patient has a terminal condition, as defined in section 2133.01 of the Revised Code;
  - (2) The nurse's collaborating physician initially prescribed the substance for the patient; and
  - (3) The prescription is for a quantity that does not exceed the amount necessary for the patient's use in a single, twenty-four hour period.
  - (4) A nurse holding a current valid certificate to prescribe may prescribe a schedule II controlled substance, if authorized by the formulary, located at <http://www.nursing.ohio.gov/Practice-CTP.htm> (effective 2015), if the nurse issues the prescription to the patient from any of the following locations:
    - (a) A hospital registered under section 3701.07 of the Revised Code;
    - (b) An entity owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals;
    - (c) A health care facility operated by the department of mental health or the department of developmental disabilities;
    - (d) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;
    - (e) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program;
    - (f) A hospice care program, as defined in section 3712.01 of the Revised Code;

- (g) A community mental health agency, as defined in section 5122.01 of the Revised Code;
  - (h) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;
  - (i) A freestanding birthing center, as defined in section 3702.141 of the Revised Code;
  - (j) A federally qualified health center, as defined in section 3701.047 of the Revised Code;
  - (k) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;
  - (l) A health care office or facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code; or
  - (m) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also are owners of the practice; the practice is organized to provide direct patient care; and the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner providing services at the site has a standard care arrangement and collaborates with at least one of the physician owners who practices primarily at that site.
- (5) A nurse shall not issue to a patient a prescription for a schedule II controlled substance from a convenience care clinic even if the clinic is owned or operated by an entity specified in paragraph (D)(4) of this rule.
- (E) A nurse holding a current valid certificate to prescribe may prescribe any drug or therapeutic device in any form and route of administration that is included on the formulary, located at <http://www.nursing.ohio.gov/Practice-CTP.htm> (effective 2015), and as agreed to by the collaborating physician in the standard care arrangement. The ability to prescribe the drug or therapeutic device must be within the nurse's scope of practice.
- (F) Drugs approved by the FDA but not yet reviewed and approved by the committee on prescriptive governance may be prescribed, unless later disapproved by the committee on prescriptive governance, if :

- (1) The ability to prescribe the drug is within the nurse's scope of practice;
  - (2) The drug type or subtype is included on the formulary, located at <http://www.nursing.ohio.gov/Practice.htm> (effective 2015), as one that may be prescribed, or may be prescribed according to the nurse's standard care arrangement; and
  - (3) The collaborating physician has agreed in the standard care arrangement that the nurse may prescribe drugs approved by the FDA, that meet the criteria set forth in paragraphs (F)(1) and (F)(2) of this rule, that have not yet been reviewed and approved by the committee on prescriptive governance.
- (G) For purposes of interpreting the formulary, located at <http://www.nursing.ohio.gov/Practice-CTP.htm> (effective 2015), the following definitions shall apply:
- (1) "Physician consultation" means a nurse holding a current, valid certificate to prescribe may initiate the medication after direct communication with the collaborating physician regarding a particular patient and documenting the consultation in the patient record. Once the medication is initially authorized by the collaborating physician, a nurse holding a current valid certificate to prescribe may continue, modify, or discontinue the medication without further consultation.
  - (2) "Physician initiation" means the collaborating physician is required to have personally examined and evaluated the patient before therapy is initiated in accordance with rule 4731-11-09 of the Administrative Code. Following discussion with the collaborating physician, the initial order or prescription may be written by an advanced practice nurse holding a current valid certificate to prescribe. Once therapy has been initiated, the advanced practice nurse may continue, modify, or discontinue the medication without further consultation.

Effective:

Five Year Review (FYR) Dates: Exempt

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Certification

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Date

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