



## **Substitute Senate Bill 83: Advanced Practice Nurses and Schedule II Prescribing**

### **Frequently Asked Questions**

Substitute Senate Bill 83 becomes law effective June 8, 2012. Below are responses to frequently asked questions received by the Ohio Board of Nursing related to the new law.

The Board encourages advanced practice nurses (APNs) and other interested parties to periodically check the Board website for additional information regarding implementation of Sub. SB 83, draft administrative rules, and the work of the Committee on Prescriptive Governance (CPG). We welcome your questions or comments. Please contact the Board at [board@nursing.ohio.gov](mailto:board@nursing.ohio.gov).

.....

**1. I am an APN with a certificate to prescribe (CTP). Can I begin prescribing schedule II controlled substances, as authorized by Sub. SB 83 or must I wait for rules to be adopted?**

On June 8, 2012, the effective date of the bill, APNs with a CTP or CTP-E may prescribe in accordance with Sub. SB 83 and the revised Formulary.

To provide you the information prior to the June 8<sup>th</sup> effective date, the Board has posted the Formulary revisions that specify the schedule II prescribing parameters. The revisions are on the Board web site at [www.nursing.ohio.gov](http://www.nursing.ohio.gov) (click on Advanced Practice Nurses).

On and after June 8<sup>th</sup> you will find the revisions within the Formulary that is posted on the Board web site. The Board and CPG have been working since the bill's passage in March to have the Formulary revisions completed.

Remember, current law requires that the standard care arrangement include the APN's "scope of prescribing practices." Therefore, APNs with a CTP or CTP-E who intend to begin prescribing schedule IIs on June 8<sup>th</sup> according to the expanded authority set forth in Sub. SB 83 will need to update this section of their standard care arrangement before prescribing schedule IIs. Current law also requires that an APN's collaborating physician's practice involve the care and treatment of patients who may require schedule II controlled substances. These requirements have not changed.

**2. Will there be new rules for prescribing schedule II controlled substances in accordance with Sub. SB 83?**

The Board will amend the current administrative rules to address the expanded prescribing authority for schedule II drugs. The Board will also adopt a new rule to specify the continuing education (CE) requirements. These rules are being developed with an anticipated effective date of no later than October 31, 2012. When the new and amended rules are in effect, you must meet those requirements.

**3. Since I am currently an APN with a CTP, must I take the required CE course prior to prescribing in accordance with Sub. SB 83?**

CTP and CTP-E holders are not required to complete the CE course prior to prescribing schedule IIs in accordance with Sub. SB 83. However, all CTP and CTP-E holders must complete the CE no later than August 31, 2013.

The Board is planning an effective date of no later than October 31, 2012 for the CE rule, to provide ample time for CTP and CTP-E holders to complete the required six hours of CE before August 31, 2013.

**4. The facility where I practice is requiring me to complete the CE course prior to allowing me to prescribe in accordance with Sub. SB 83.**

Employers, or institutions that grant APNs practice privileges may establish their own policies and APNs need to know and follow their employer or institution's policies.

**5. How does the bill change the prescribing of schedule II controlled substances?**

Upon the effective date of the bill, a CTP or CTP-E holder who is practicing in a location specified in the bill is no longer subject to the restrictions in the current law governing an APN's authority to prescribe schedule II controlled substances. However, CTP and CTP-E holders who are **not** practicing in one of the specified locations must follow the existing restrictions: prescribing of schedule II controlled substances is limited to a 24-hour emergency supply of medications, prescribed to terminally ill patients with respect to whom the collaborating physician has previously prescribed the medication.

**6. What are the locations specified in Sub. SB 83 where CTP holders may prescribe schedule II controlled substances?**

The bill lists the locations where CTP holders may prescribe schedule II controlled substances in accordance with their specialty certification, standard care arrangement and the Formulary. The list is provided below.

***CAUTION: CTP and CTP-E holders are prohibited from prescribing a schedule II controlled substance from a convenience care clinic even if the clinic is owned or operated by an entity specified in the list below, with***

*the exception of prescriptions limited to a 24-hour supply as set forth in existing law.*

**CAUTION:** *CTP and CTP-E holders who are not engaged in practice in one of the listed locations are limited in their prescribing of schedule II controlled substances to a 24 hour emergency supply of medications to terminally ill patients with respect to whom the collaborating physician has previously prescribed the medication.*

The locations specified in Sub. SB 83 are as follows:

- (1) A hospital registered with the Department of Health;
- (2) 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;
- (3) A health care facility operated by the Department of Mental Health or the Department of Developmental Disabilities;
- (4) A nursing home licensed by the Department of Health or a political subdivision;
- (5) A county home or district home that is certified under the Medicare or Medicaid program;
- (6) A hospice care program;
- (7) A community mental health facility;
- (8) An ambulatory surgical facility;
- (9) A freestanding birthing center;
- (10) A federally qualified health center;
- (11) A federally qualified health center look-alike;
- (12) A health care office or facility operated by a board of health or an authority having the duties of a board of health;
- (13) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who are also owners of the practice, the practice is organized to provide direct patient care, and the APN 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. (Entering into a standard care arrangement and practicing in collaboration are requirements of current law governing the practice of APNs.)

**7. I have heard that convenience care clinics are not one of the locations covered by Sub. SB 83.**

This is correct. CTP holders are prohibited from prescribing a schedule II controlled substance from a convenience care clinic even if the clinic is owned or

operated by an entity specified in the list above, with the exception of prescriptions limited to a 24-hour supply as set forth in existing law.

**8. I'm not sure if the facility in which I prescribe is a location covered by the bill?**

If you are not certain whether your practice location falls within those identified in Sub. SB 83, contact the facility or organization's administrator or legal counsel to advise you. As an APN with prescriptive authority, you are ultimately responsible for knowing and practicing according to the applicable laws and administrative rules.

**9. When will I know the prescribing parameters for schedule II medications that I may prescribe?**

To provide you the information prior to the June 8<sup>th</sup> effective date, the Board has posted the Formulary revisions that specify the schedule II prescribing parameters. The revisions are on the Board web site at [www.nursing.ohio.gov](http://www.nursing.ohio.gov) (click on Advanced Practice Nurses).

On and after June 8<sup>th</sup> you will find the revisions within the Formulary that is posted on the Board web site. The Board and CPG have been working since the bill's passage in March to have the Formulary revisions completed.

**10. I am presently in a nurse practitioner program at a university and have already completed the Advanced Pharmacology course required for my CTP-E application, but I will not receive my CTP-E until after June 8, 2012 which is the effective date of the new law. Will I need to complete the CE course on schedule II controlled substances?**

Yes, due to the timing of your situation, you will be required to complete the six hours of CE on schedule II controlled substances.

**11. How will I find a CE course on schedule II controlled substances?**

The CE course must meet the Board's requirements for continuing education, as specified in Rule 4723-14-05, paragraph (A), Ohio Administrative Code (OAC). (For details, go to the Board web site at [www.nursing.ohio.gov](http://www.nursing.ohio.gov) and click on Laws and Rules.)

For example, a CE activity that has been approved by an Ohio Board of Nursing (OBN) Approver is acceptable. A list of OBN Approvers is on the Board web site (click on Continuing Education). The Board itself will not provide this CE.

**12. When will the CE on schedule II controlled substance prescribing be available?**

The earliest an approved CE course may be offered would be the effective date of new Rule 4723-9-13, OAC. The Board is expediting the rulemaking process so the new rule is effective no later than October 31, 2012 to allow ample time to complete the CE course by the required date of August 31, 2013.

While a CE activity cannot be approved prior to the effective date of the rule, a CE provider could develop and verify course content prior to the effective date of the rule, so that it would be possible that final approval for the CE event could be granted on or after the effective date of the rule.

**13. Can I take any controlled substance prescribing course for purposes of meeting the CE requirement by August 31, 2013?**

You must take a CE course that meets the requirements of new Rule 4723-9-13, OAC, (planned to be effective no later than October 31, 2012) and that meets the requirements for CE, as specified in Rule 4723-14-05 (A), OAC. (Go to the Board website at [www.nursing.ohio.gov](http://www.nursing.ohio.gov) and click on Laws and Rules.)

**14. I do not currently prescribe controlled substances and have no intention of prescribing schedule II controlled substances. Do I still have to take the six-hour CE course?**

Yes, all APNs with a CTP must complete the CE course no later than August 31, 2013 to renew their CTP. APNs with a CTP-E must complete the CE course no later than August 31, 2013.

**15. I am entering a nurse practitioner education program in the fall of 2012 at a local university. Will I need to take the CE for schedule II prescribing before qualifying for a CTP-E?**

As part of the advanced practice nurse education program, you must complete a 45-hour Advanced Pharmacology course that is to be provided during your education program. The Advanced Pharmacology course content is established in Board rules, and it must be completed within three years of applying for a CTP-E.

The Board will amend the rule pertaining to the Advanced Pharmacology course to require content related to prescribing schedule II controlled substances. The rule amendment will not increase the required 45-hours, but may require education programs to adjust their course content.