Ohio Nurse Practice Act

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Purpose: Provide an overview of the Ohio Nurse Practice Act to help nurses in Ohio practice in accordance with the law.

Objectives

1. Demonstrate familiarity with the roles and responsibilities of the Ohio Board of Nursing
2. Identify three standards for safe and appropriate nursing practice for nurses
3. Identify three duties of nurses as defined by the Ohio Nurse Practice Act
4. Identify three activities for which a nurse can be reprimanded by the Ohio Board of Nursing

The Nurse Practice Act (NPA) defines the scope of nursing practice in Ohio. The act is found under Chapter 4723 at the nursing website (1): http://codes.ohio.gov/orc/4723. Not only does the NPA define the scope of practice for nurses, but it also makes and enforces rules for dialysis technicians, community health workers and advanced practice nurses.

Each state has its own board that defines a nurse’s duty and enforces rules to assure safe and effective nursing care. Each state has slightly different rules and it is the responsibility of each nurse to know, understand and follow the NPA of their state.

The Ohio Board of Nursing
The NPA gives power to the Ohio Board of Nursing (OBN) to create and enforce rules to nurses, dialysis technicians and community health workers.

The Ohio Board of Nursing is made up of 13 people – all of whom are citizens of the United States and residents of Ohio - that are appointed by the Governor. Individuals are appointed for 4 years. The board elects one member president and one as vice-president. The board is made up of:

- Eight registered nurses (RN). Of these 8 RN’s, one must be an advanced practice nurse such as a nurse practitioner, nurse anesthetist, nurse midwife or clinical nurse specialist.

- Four licensed practical nurses (LPN).

- One member is a non-health care provider who is the voice of the patient. This person cannot have a family member who is in health care. This person cannot have any financial relationship to any health care service.

The regulations stipulate that each nurse must have been in practice for at least five years immediately before being selected to a Board position.

The board is funded by fees paid by all licensed health care providers under the OBN’s jurisdiction.

The roles of the board include:

- Promote the health of clients in Ohio by assuring safe nursing practice.

- Establish educational criteria for nursing educational programs and continuing education programs.
• Determine the criteria to be eligible to sit for a licensing exam.

• Issue and renew nursing licenses.

• Disseminate rules to regulate nursing scope of practice.

• Administer and enforce rules and regulations and take disciplinary actions as needed.

• Review each rule in the NPA at least once every five years.

**What is a nurse**

A registered nurse is a nurse that holds a valid current license from the State that allows them to practice as an RN. An RN is a nurse that provides nursing care which requires special knowledge, judgment, and skills that are derived from nursing science as well as other sciences such as social, physical, biological and psychological science.

The RN must maintain current knowledge in their areas of practice to provide safe nursing care. They must also show accountability and competence in their area of practice by performing consistently and being able to distinguish and intervene when something goes wrong.

At times a RN may need to provide care beyond their normal scope of practice. This RN should have obtained additional education, demonstrate the knowledge, ability and skills to perform these duties. This duty must be performed after an order from an authorized health care provider.

The registered nurse must implement an order in a timely manner unless this order is believed to be inaccurate, invalid, potentially harmful to the client, contraindicated or not authorized correctly. If there is a problem with the order it should be clarified and then
the prescribing practitioner needs to be notified. The number one role of the nurse is to make sure the patient is safe.

A RN should consult with other members of the health care team, as needed, to properly care for the patient. The RN must practice safe nursing care by practicing in the standards of care.

The RN needs to maintain confidentiality of the patient. The RN should only discuss health care information with other members of the health care team when it is needed to safely and effectively care for the patient.

Registered nurses have the right to delegate tasks to LPNs. Before doing this they must assess the condition of the client to assure they can safely delegate the specified task. They should also assess the type of nursing care, the complexity of the nursing care, the frequency of nursing care, the personal ability of the LPN and the accessibility of resources available to safely perform the delegated task.

To summarize the RN is able to (1):

a. Identify patterns of human responses to health problems responsive to nursing care

b. Execute nursing actions

c. Assess the health status of an individual

d. Counsel and teach patients

e. Administer medications and treatments

f. Supervise nursing practice
The Licensed Practical Nurse

The LPN is an individual who provides nursing care that requires a basic knowledge of the nursing science as well as other sciences as outlined for the RN.

Similar to the RN, the LPN must have current knowledge to perform the duties and responsibilities of their job adequately. They are accountable to practice safe nursing. LPNs may also provide services beyond their scope of service, but the same restrictions that apply to RNs apply to LPNs.

One common area LPNs provide services beyond their basic scope of services is intravenous therapy. LPNs can attain an intravenous card after they have completed an approved intravenous therapy course.

LPNs must implement orders in a timely manner unless there is a problem with the order similar to the RN. The LPN has the responsibility to consult with other nurses or health care providers similar to the RN. The LPN should not divulge personal information of clients unless it is in the direct interest of providing health care.

The nursing care administered by a LPN includes:

- Observing
- Patient teaching
- Contributing to planning, implementation and evaluation of nursing care
• Administering some medications after the completion of a course on medication administration

• Some LPNs may administer intravenous medication after completing an approved course

• Perform delegated nursing tasks as directed by a RN

• Teaching nursing tasks to other LPNs and those individuals that the LPN is allowed to delegate nursing tasks

Terms (1)

In order to have a full understanding of the NPA it is important to understand certain terms. Below is a list of terms that will help the nurse understand the NPA.

Assess the health status: Collect data through the nursing assessment. This assessment may include observation, interviewing or physical evaluation.

Client: An individual, group or community that receives nursing care.

Delegation: Transferring the responsibility to do a task from a licensed nurse who is legally justified to perform the task to someone who is not authorized to perform the task.

Direction: An RN communicating a nursing plan to an LPN.

Licensed nurse: An RN or an LPN who has a valid license to practice nursing.

Nursing diagnosis: A client problem or need that can be managed with nursing care.
**Nursing process**: A cyclic process (4 steps for an LPN and 5 steps for an RN) used by nurses to provide care to clients.

**Nursing Task**: An activity that is implemented to maintain or improve the well-being of a client who is unable to perform the activity themselves.

**Scope of Practice**: The range of knowledge, skills and responsibilities that nurses have that are commissioned by the Board of Nursing.

**Standard of Care**: Guidelines for the practice of nursing that are set by laws, professional organizations and places of employment.

**Trained unlicensed person**: An individual without a license who is taught by a licensed nurse to perform a task under their supervision.

**What is the Nurse Practice Act?**

The Nurse Practice Act (NPA) is a legal document that discusses what appropriate nursing actions are. It is a critical legal document that affects the way nursing is practiced.

The state legislature creates the NPA. They accept input from the Board of Nursing, attorneys and professional organizations. The Board of Nursing is then given the duty of interpreting and implementing the act.

**Safe and Appropriate Nursing Care**

The NPA discusses how nurses must provide safe nursing care. A few things that the NPA states include:
a. Identify yourself with your appropriate title. This includes placing your initials (RN, LPN) on your name tag and identifying yourself as a registered nurse or a licensed practical nurse when talking to someone on the phone.

b. Document care appropriately. This includes being timely, accurate and complete.

c. Report errors.

d. Do not engage in behaviors that may cause physical, mental, verbal or emotional abuse.

e. Do not have sexual contact with a client or act in any way that may be interpreted as sexual.

f. Do not misappropriate any client property.

g. Do not seek any gain at a client’s expense.

h. Patients should be treated with respect, dignity and courtesy

**Universal Blood and Body Fluid Precautions**

The BON is responsible to adopt rules related to universal blood and body fluid precautions. Each licensed health care worker has a responsibility to:

- Use appropriate hand washing
- Appropriately disinfect and sterilize equipment
- Dispose of sharps appropriately
- Use disposable gloves and other garments/devices to prevent exposure to blood and body fluid

**The Nursing Process**
The NPA discuss the nursing process which is a series of steps that involve critical thinking and clinical judgment. It is used in collaboration with the patients, patient’s families and other health care providers. LPNs, RNs as well as advanced practice nurses use the nursing process. The RN and the advanced practice nurse uses more judgment and critical thinking whereas the LPN is critical in getting data, implementing strategies and working with the RN and advanced practice nurse.

The nursing process for the RN involves: assessment, analysis, planning, implementation and evaluation.

Assessment involves the collection of data (both objective and subjective) from the client, family member or other members of the health care team. The data is documented and reported to other members of the health care team as appropriate.

The next step in the nursing process is analysis. In this step the data is identified, organized and interpreted. The expected outcome of the plan is evaluated for the individual patient. The diagnosis is then accepted or modified so a nursing intervention can be implemented.

The planning section is where the nursing plan is developed, modified or maintained to obtain the desired outcomes and apply the appropriate interventions. The planning stage involves the communication of the plan to other members of the health care team.

Implementation is where the nursing plan is put into motion. The orders are executed and care is given by the appropriate people. This step involves assisting the client in care, delegating tasks as appropriate and collaborating with other health care providers.
The last step in the nursing process is evaluation. This step involves looking at the patient’s response to the interventions and evaluating how they are doing in regard to the expected outcomes. The whole situation is then revised and modified as needed.

The nursing process for the licensed practical nurse is similar but not as advanced. It involves four steps including assessment, planning, implementation and evaluation. The nursing process for the LPN omits the analysis section. The implementation stage involves the LPN: administering medications and treatments, providing direct nursing care as directed, collaborating and delegating.

**Disciplinary Action**

When there is a failure to practice safe nursing the Nurse Practice Act provides a method for the Board to investigate.

The OBN has the power to revoke or deny a nursing license. The Board can also reprimand or fine the nurse. In addition, the Board can forward the nurse ahead for criminal prosecution.

The BON may revoke or not grant a license to anyone who has committed fraud in the testing procedure to attain a license.

The BON can deny, revoke, suspend or restrict a license, or fine an individual for pleading guilty or a conviction of guilt for a misdemeanor committed while practicing nursing or a felony conviction of any crime involving gross immorality or moral turpitude.

Those found guilty of selling, administering or giving away drugs or medical devices for anything other than legitimate purposes can be disciplined by the board. Those who self-administer any dangerous drug that is not legal or attained by a valid prescription
can be disciplined. Those who are habitual users of controlled substances, habit
forming drugs or other chemical substances that impairs the ability to practice safely can
also be disciplined by the board.

The board has the power to investigate a wide range of activities. The board may
investigate the nurse not using universal precautions, practicing outside of their scope
of practice or altering a payment plan in order to entice a patient or group of patients to
use their health care services. The board has a duty to investigate anything that
appears to be a violation of the Nurse Practice Act.

The following are also reasons that the nurse can be disciplined by the board.

- Impairment in the ability to practice because of inappropriate use of alcohol,
  drugs or other habit forming drugs.
- Inability to practice according to standards because of a mental or physical
disability.
- Assaulting or harming a patient.
- Obtaining money or something of value by intentional misrepresentation during
  practice.
- Being classified by a probate court as mentally ill or mental incompetent.
- Failure to practice in accordance with acceptable and established standards.
- Exceeding the scope of practice.
The board may handle a problem in a couple different ways. There may be a hearing. Another method to handle a problem is to enter into a consent agreement with the individual who had the alleged violation.

Employers of nurses and dialysis technicians have a duty to report any licensed nurse/dialysis technician (current or former) who has engaged in any activity that is grounds for disciplinary action by the board. In addition, nursing associations have to report health care providers to the board who have been found to represent a risk to the public health, safety and welfare because of behavior that is grounds for disciplinary action by the OBN.

Conclusion

The Ohio Nurse Practice Act is overseen by the Ohio Board of Nursing. Its primary role is to assure that health care consumers are safe. The Ohio NPA is described in section 4723 of the Ohio Administrative Code.

The NPA defines what a nurse is and defines what their duties are. It describes the regulations for nursing practice. It also discusses standards of care for nurses in Ohio.

The Board of Nursing has many roles among them are to grant licenses to nurses in the state of Ohio, discipline nurses and enforce the NPA.

The nurse practice act is a long document and is difficult to read. This course outlined some key parts of the NPA. It is a wise practice for all nurses to read the act in its entirety to assure they understand their role as a nurse and know what is within their scope of duty.

Reference

Available from: URL: http://codes.ohio.gov/orc/4723