

Ohio Nursing Law



This booklet is offered to Ohio nurses as one way to meet your need for 1 contact hour of CE that is directly related to the Ohio Nurse Practice Act (Category A).

A publication for all members of the nursing profession.

Index:

14 2020 Ohio Nursing Law Program – CE and Delegation

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 31, 2022

Assigned ONA # 22960

Contact Hour(s): 1.0

Program Fee: \$15.00

featuring:

*CE for Renewal – for RNs, LPNs, DTs, CHWs and MA-Cs
Nursing Delegation to Unlicensed Personnel*

Title: 2020 Ohio Nursing Law Program – CE and Delegation

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.

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

Program Fee: \$15.00; checks or money orders are encouraged

Estimated Time to Complete the Activity: 60 minutes

Procedures: To receive credit for completing this activity, read this program material, complete the post-test questions and evaluation on the Answer Sheet, and mail the Answer Sheet and the Program Fee to us. You will receive a Statement of Credit mailed to you within 10 business days. Please make checks out to and mail to: Ohio Nursing Law, P.O. Box 21186, Columbus, Ohio 43221- 0186.

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, Bias, Conflicts of Interest: Prior to the delivery of the content, we offer these disclosures: First, no products used on or by patients are discussed in this CE activity. Second, all persons in a position to influence the content of this activity, including each member of the CE Planning Team listed above, report no relevant financial relationships.

Objective: At the conclusion of this program, participants should be able to:

- a) restate the CE requirements for license renewal with the Ohio Board of Nursing; and
- b) restate the requirements for delegation of nursing tasks to unlicensed personnel in Ohio.

In this continuing education offering, we present information from the Ohio Board of Nursing's (Board's) articles in its Spring and Winter 2019 *Momentum* magazines, and also in the Board's updates in June 2020 about the impact of COVID-19 on LPN licensure renewals.

RNs, LPNs, DIALYSIS TECHNICIANS, COMMUNITY HEALTH WORKERS AND MEDICATION AIDES Continuing Education (CE) For Renewal¹

Below is CE information for LPNs, RNs, Dialysis Technicians, Community Health Workers and Medication Aides from the Spring 2019 issue of the *Momentum*, which is available on the Board website at www.nursing.ohio.gov. This information is a general summary of the CE requirements specified in Section 4723.24, Ohio Revised Code (ORC) and Chapter 4723-14, Ohio Administrative Code (OAC).

Definitions

CE is defined as a learning activity that builds upon a prelicensure or precertification education program and enables a licensee or certificate holder to acquire or improve knowledge or skills that promote professional or technical development to enhance the licensee's or certificate holder's contribution to quality health care and pursuit of health care career goals. Rule 4723-14-01(J) OAC.

Category A is CE directly related to the Ohio Nurse Practice Act and the administrative rules of the Ohio Board of Nursing. To qualify as Category A, the CE must be approved by an Ohio Board of Nursing (OBN) approver or offered by an OBN approved provider unit headquartered in the state of Ohio. Rule 4723-14-01(E), OAC.

CE Requirements for Renewal by License Type

Registered Nurses (RN) and Licensed Practical Nurses (LPN)

For the period immediately following Ohio licensure by NCLEX examination, the nurse is not required to complete any contact hours of CE for the first license renewal. Other than the first renewal immediately following licensure by exam, nurses must complete at least 24 contact hours of CE that includes at least one contact hour of Category A CE for

¹ <http://www.nursing.ohio.gov/PDFS/Mom/2019SpringMom.pdf>

each renewal. A nurse who has been licensed in Ohio by reciprocity for less than or equal to one year prior to the first Ohio license renewal must complete at least 12 contact hours, rather than 24.

Question 1:

Category A CE is:

- a. directly related to the Ohio Nurse Practice Act and the administrative rules of the Ohio Board of Nursing;
- b. must be approved by an Ohio Board of Nursing (OBN) approver or offered by an OBM approved provider unit headquartered in the state of Ohio;
- c. both of the above are true.

Volunteer Nursing Certificate for a LPN, RN or APRN

A Volunteer Nursing Certificate holder must complete at least 24 contact hours of CE in specified content areas during each certificate period. At least two of the 24 contact hours must be Category A.

Ohio Certified Dialysis Technician (OCDT)

An OCDT must complete at least 15 contact hours of CE to renew a certificate. At least 10 of the 15 contact hours must be directly related to dialysis care, and one of the 15 contact hours must be Category A.

Community Health Worker (CHW)

A certified CHW must complete at least 15 contact hours of CE to renew a certificate. A minimum of one of the 15 contact hours must be directly related to establishing and maintaining professional boundaries, and one of the 15 contact hours must be Category A.

Certified Medication Aide (MA-C)

A MA-C must complete at least 15 contact hours of CE to renew a certificate. A minimum of 10 of the 15 contact hours must be related to medications or medication administration consistent with the function of the MA-C, one of the 15 contact hours must be directly related to establishing and maintaining professional boundaries, and one of the 15 contact hours must be Category A.

FAQs: General CE Questions/Requirements

Q: May I obtain the contact hours of CE through independent study by mail or on the Internet?

A: Yes. There is no limit to the number of contact hours obtained through independent studies. Independent study may be taken through mail order courses or the Internet.

Q: Between what dates do LPNs need to complete the CE for it to count for the 2020 LPN renewal period?

A: For LPNs renewing in 2020, the CE contact hours need to be completed on or between November 1, 2018 and October 31, 2020.

Question 2:

To renew a license, Ohio LPNs must complete at least:

- a. 24 contact hours of CE that includes at least 1 contact hour of Category A;
- b. 1 contact hour of CE that is directly related to establishing and maintaining professional boundaries;
- c. both of the above.

Question 3:

To renew a certificate, Ohio certified medication aides (MA-Cs) must complete at least:

- a. 15 contact hours of CE that includes at least 1 contact hour of Category A CE;
- b. 10 of the 15 CE contact hours must be related to medications or medication administration consistent with the function of the MA-C and one of the 15 contact hours must be directly related to establishing and maintaining professional boundaries;
- c. both of the above.

Attention LPNs: In May 2020, the Board released this update:

The Ohio Coronavirus Omnibus Act, HB 197, effective March 27, 2020, authorized extending licenses that expire during the declared emergency. Licenses will remain valid until the earlier of either 90-days after the date the emergency ends or December 1, 2020, unless revoked, suspended, or otherwise subject to discipline or limitations.

Renewal is scheduled to begin on July 1, 2020 and the Board encourages LPNs to renew their licenses between July 1 and October 31, 2020. However, if the declared emergency continues, the licenses that are not renewed will not expire/lapse until the expiration date established in accordance with HB 197.

Below is the information that is provided each renewal period to inform LPNs of the process established to renew licenses. If any of the information below changes, the Board will notify LPNs through the website, social media, and email.

There are important deadlines to remember during renewal which begins on July 1, 2020 and ends October 31, 2020.

- There is a *first renewal deadline of September 15th*. If you renew on or before September 15th, you pay a renewal fee of \$65.00 and the \$3.50 state transaction fee.
- If you miss that deadline, you then have until October 31st to renew your license, but there is a *late processing fee of \$50* and the \$3.50 transaction fee. *The late processing fee applies between September 16th and October 31st.*
- *If you miss the October 31st deadline, your license will lapse on November 1, 2020.* You cannot work as an LPN as long as your license is lapsed. You must apply for reinstatement of your lapsed license which requires an additional application, Board review, and fee. You will not be able to work under the lapsed license while the application for reinstatement of your lapsed license is being reviewed and processed.

Renewal is to be completed online using the Ohio eLicense system, a comprehensive professional regulatory license system used by a variety of

state licensing boards, the same system used during the last renewal period. It is estimated over 55,000 licenses will be renewed this year. The earlier you renew, the better chance you have to avoid issues with your license close to the renewal deadline.

Renew Timely

- **Renew ASAP.** Incomplete applications will not be accepted by the online system. Waiting until a deadline and realizing you do not have all the information needed to complete the application may prevent you from renewing timely.
- If you wait to renew until close to the September 15th deadline and encounter any difficulties or cannot provide all the information, the application will be incomplete, and you will then pay a late fee on or after September 16th. The late processing fee is \$50 plus the regular renewal fee of \$65. Also, the \$3.50 state transaction fee applies.
- If you wait to renew until close to the October 31st deadline and encounter any difficulties or cannot provide all the information, the application will be incomplete, and your license will lapse on November 1st. You cannot work as a nurse as long as your license is lapsed. You must then apply for reinstatement of your license. The reinstatement process takes additional time to process. Please take the necessary steps to avoid this.

Must Pay by Credit or Debit

- The State of Ohio charges a \$3.50 transaction fee, so in addition to the application fee, the \$3.50 transaction fee is charged for each application. • Fees must be paid online at the time of renewal. Use Master Card, VISA or Discover credit or debit cards. If you do not have this type of personal credit or debit card, you can obtain these pre-paid cards at local stores to use for renewal.
- If you purchase a prepaid Master Card, VISA or Discover credit or debit card, please have enough funds on it to cover (a) the credit/debit card company's processing fee, if applicable; (b) the Board's application fees; and (c) the state transaction fee of \$3.50.

Q: For other license/certificate types, between what dates do I need to complete the CE for it to count for my next renewal period?

A: DTs will renew in 2021. The CE contact hours need to be completed on or between April 1, 2019 and March 31, 2021.

A: CHWs will renew in 2021. The CE contact hours need to be completed on or between April 1, 2019 and March 31, 2021.

A: Medication Aides will renew in 2020. The CE contact hours need to be completed on or between May 1, 2018 and April 30, 2020.

Attention Medication Aides: On April 1, 2020 the Board extended all current licenses until December 1, 2020.

Q: I understand I can apply hours that I worked as a volunteer towards CE for RN or LPN renewal, is that correct?

A: An RN or LPN who serves as a volunteer for indigent and uninsured persons, without compensation, may use up to 8 hours of the volunteer service towards their CE requirement. Documentation must include a signed statement from a person at the health care facility or location where the health services were performed. (Rule 4723-14-03(L), OAC)

Q: Must I submit documentation of my CE hours to the Board when I renew my license?

A: You are not required to submit documentation of your CE hours when you renew your license. When you renew, you must attest on the renewal application that you met or will meet the CE requirement by the end of the renewal period.

Q: What is a “waiver”?

A: A waiver is a one-time opportunity to opt out of the CE requirements for one renewal period for RNs, LPNs, and CHWs. A waiver may only be used one time, and once you request it on the renewal application, the request cannot be withdrawn.

Q: How will the Board know that I met the CE requirement?

A: The Board may conduct a random audit to determine compliance with CE requirements. If you are chosen for an audit, the Board will notify you.

The waiver, as explained above, cannot be used after you receive notification of an audit.

Q: How long must CE records be kept?

A: You are required to maintain CE documentation for 6 years. Each licensee and certificate holder are responsible for keeping track of their CE records for submission to the Board upon its request or audit.

Additional Questions?

Email ce@ohio.nursing.gov

Question 4:

In Ohio, CE contact hours may be obtained through independent study by mail or the Internet, and:

- a. the CE must be limited to Category A only;
- b. there is no limit to the number of contact hours;
- c. the CE must be limited to professional boundary courses only.

Question 5:

In Ohio, LPNs renewing in 2020 need CE contact hours which need to be completed on or between:

- a. May 1, 2018 and April 30, 2020;
- b. November 1, 2018 and October 31, 2020.
- c. April 1, 2019 and March 31, 2021.

Question 6:

In Ohio, DTs and CHWs renewing in 2021 need to have their CE contact hours completed on or between:

- a. May 1, 2018 and April 30, 2020;
- b. November 1, 2018 and October 31, 2020.
- c. April 1, 2019 and March 31, 2021.

Question 7:

LPNs who renew their license before September 15, 2020 will have fees of:

- a. \$65 renewal fee only;
- b. \$65 renewal fee + \$3.50 transaction fee;
- c. \$65 renewal fee + \$3.50 transaction fee + \$50 late fee.

Question 8:

The Board will know if you completed your CE requirements because:

- a. CE providers send copies of your CE completions electronically to the Board;
- b. you will provide paper copies of all your CE certificates to the Board with each renewal;
- c. the Board conducts random audits.

Question 9:

Ohio nurses, DTs, CHWs, and MA-Cs are required to maintain CE documentation for:

- a. 2 years;
- b. 4 years;
- c. 6 years.

NURSING DELEGATION TO UNLICENSED PERSONNEL, INCLUDING MEDICATION ADMINISTRATION²

Nursing delegation is defined in Rule 4723-13-01(B), Ohio Administrative Code (OAC), as “the transfer of responsibility for the performance of a selected nursing task from a licensed nurse authorized to perform the task to an individual who does not otherwise have the authority to perform the task.” Unlicensed personnel such as STNAs, nursing assistants and medical assistants have no authorized scope of practice set forth in statute. As a result, unlicensed persons may only perform tasks that are delegated to them by nurses.

Rule 4723-13-01(I), OAC, defines “nursing tasks” as “those activities that constitute the practice of nursing as a licensed nurse and may include, but are not limited to, assistance with activities of daily living that are performed to maintain or improve the patient’s well-being, when the patient is unable to perform that activity for him or herself.”

While the law governing the practice of nursing does not provide a specific list of tasks delegable to unlicensed persons, Rule 4723-13-05, OAC, sets forth criteria and requirements when the nurse is delegating to an unlicensed person. Other rules in Chapter 4723-13, OAC, provide additional information about the minimum curriculum requirements for teaching a nursing task, and supervision of the performance of a nursing task by an unlicensed person.

When delegating, nurses are responsible to consider the individual patient and the patient’s clinical circumstances, as well as the knowledge and ability of the unlicensed individual to perform the task that is being delegated. Nurses must complete these considerations prior to delegating any nursing task.

In addition, the administrative rules establish parameters for nursing delegation, including limiting the administration of medication to certain types and under certain circumstances. For example, Rule 4723-13-05(D) OAC, states that a RN, or a LPN at the direction of a RN, may delegate to an unlicensed person the administration of only the following medications: over the counter topical medications to be applied to intact skin for the purpose of improving a skin condition or providing a barrier; and over the

² <http://www.nursing.ohio.gov/PDFS/Mom/2019WinterMom.pdf>

counter eye drops, ear drops, or suppository medications, foot soak treatments, and enemas.

With respect to advanced practice registered nurse (APRN) practice, a CNP, CNS, and CNM may delegate the administration of a drug to a person not otherwise authorized to administer drugs, except when the drug is a controlled substance, is excluded by the Exclusionary Formulary, or is administered intravenously. CNPs, CNSs, and CNMs cannot delegate the administration of any medication in a hospital inpatient care unit, hospital or freestanding emergency department, or an ambulatory surgical facility. See Section 4723.489, ORC.

Question 10:

“Nursing delegation” is defined:

- a. by employers;
- b. in Rule 4723-13-01(B) of the Ohio Administrative Code;
- c. to permit STNA’s, nursing assistants, and medical assistants to transfer their scope of practice to another person.

Question 11:

When delegating nursing tasks, nurses are to:

- a. consider the individual patient and the patient’s clinical circumstances;
- b. consider the knowledge and ability of the unlicensed individual to perform the task that is being delegated;
- c. do both of the above, prior to delegating the nursing task.

When delegating drug administration, the CNP, CNS, and CNM must comply with the requirements of Section 4723.48, ORC, and Section 4723.489, ORC, which include requirements to document the unlicensed person’s education and demonstrated knowledge, skills, and ability to administer the drug safely. CNPs, CNSs, and CNMs, must be on site during the delegated medication administration.

For example, CNPs, CNSs, and CNMs may delegate the administration of a vaccine to an unlicensed person, provided the CNP, CNS, and CNM verifies that the unlicensed person has the appropriate education, training, and competency to safely administer the medication; the CNP, CNS or CNM is on site at the time of the administration; and the CNP, CNS or CNM assures the delegation is not taking place at a hospital inpatient care unit, as defined in Section 3727.50 of the Ohio Revised Code (ORC), a hospital or a freestanding emergency department, or an ambulatory surgical facility, as defined in Section 3702.30 of the ORC.

The Ohio Nurse Practice Act and the administrative rules are available for review on the Board website at www.nursing.ohio.gov on the “Law and Rules” page. Please subscribe to eNews, Facebook, and/or Twitter on the Board home page to receive timely announcements and updates from the Board.

Questions about APRN practice may be sent to practiceAPRN@nursing.ohio.gov.

Question 12:

CNPs, CNSs, and CNMs (delegator) may delegate vaccine administration to an unlicensed person only when:

- a. the delegator has verified the unlicensed person’s education, training and competency to safely administer the vaccine;
- b. the delegator is on site at the time of vaccine administration;
- c. both of the above.

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

OHIO NURSING LAW
P.O. Box 21186
Columbus, Ohio 43221-0186

NAME: (print neatly, please)	
ADDRESS:	
CITY and STATE and ZIP:	
PHONE NUMBER:	EMAIL:

ANSWER SHEET: 2020 Ohio Nursing Law Program – CE and Delegation

(1 Contact Hour; ONA #22960; Good for CE until January 31, 2022)

- | | | | | | | | |
|----|---|---|---|-----|---|---|---|
| 1. | a | b | c | 7. | a | b | c |
| 2. | a | b | c | 8. | a | b | c |
| 3. | a | b | c | 9. | a | b | c |
| 4. | a | b | c | 10. | a | b | c |
| 5. | a | b | c | 11. | a | b | c |
| 6. | a | b | c | 12. | a | b | c |

13. Objective Met: I am able to *restate the CE requirements for license renewal with the Ohio Board of Nursing*: Yes No

14. Objective Met: I am able to *restate the requirements for delegation of nursing tasks to unlicensed personnel in Ohio*: Yes No

15. This CE met my educational needs: Yes Partly No

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

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

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

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

20. If you perceived any bias or commercialism, or if you have any other comments for us, please describe:

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

Thank you! We truly enjoy serving you!

Ohio Nursing Law



P.O. Box 21186
Columbus, Ohio 43221-0186

PRSR STD
U.S.POSTAGE
PAID
COLUMBUS, OH
PERMIT NO. 8301

**2 CE Programs, each good
for 1.0 Contact Hour of
Ohio Nursing Law
(Category A)**

We provide an all-Ohio service!
This booklet was created and printed
in Ohio, and Ohioans will mail your
certificates to you!

Visit us on the web at
www.ohionursinglaw.com