

## Schedule II Prescribing FAQs

Substitute Senate Bill 83 (SB 83), which became law on June 8, 2012, expanded the scope of schedule II prescribing for Advanced Practice Nurses (APNs) who hold a certificate to prescribe (CTP), or certificate to prescribe externship (CTP-E). The Board of Nursing adopted rules, effective November 5, 2012, implementing the requirements of SB 83 related to continuing education for CTP holders, and the advanced pharmacology course of instruction for applicants, related to schedule II controlled substances.

The June 8, 2012 revised Formulary includes the schedule II prescribing parameters and is available on the Board web site at [www.nursing.ohio.gov](http://www.nursing.ohio.gov) (click on Advanced Practice Nurses). To review the new administrative rules, click on the Law and Rules link.

Remember, Ohio law requires that the standard care arrangement include the APN's "scope of prescribing practices." APNs with a CTP or CTP-E who intend to begin prescribing schedule IIs according to the expanded authority set forth in SB 83 will need to update this section of their standard care arrangement as indicated before prescribing schedule IIs. The 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 existed for some time and are not new requirements.

The following are frequently asked questions related to SB 83 and the requirements for CTP or CTP-E holders and new applicants.

### **Questions for Current CTP or CTP-E Holders**

#### **1. How did the bill change the prescribing of schedule II controlled substances?**

As of June 8, 2012, a CTP or CTP-E holder who is practicing in a location specified in the bill is no longer subject to the 24-hour supply restrictions in the pre-existing 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 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.

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

The law lists the locations where CTP or CTP-E 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 pre-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 law 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.)

**3. Are there any locations specified in SB 83 where CTP or CTP-E holders may NOT prescribe schedule II controlled substances?**

CTP or 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 above, with the exception of prescriptions limited to a 24-hour supply as set forth in pre-existing law. *See cautionary notes in response to #2, above.*

**4. 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 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.

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

The Board amended administrative rules to address the expanded prescribing authority for schedule II drugs, and adopted a new rule to specify the continuing education (CE) requirements. The effective date of the rule changes is November 5, 2012.

**6. Is there anything that I need to do with my current DEA registration before I begin prescribing schedule II drugs?**

It depends on your current DEA registration. If your current DEA registration limits you to prescribe schedule III - V controlled substances and you plan to incorporate the prescribing of schedule IIs into your practice, you will need to contact the DEA for further instruction on how to revise your registration to include the prescription of schedule II drugs. The DEA website is [www.deadiversion.usdoj.gov](http://www.deadiversion.usdoj.gov). If you are authorized to use the DEA number for the hospital where you work, you should contact the hospital for answers to questions related to the use of this number.

**Questions Related to Continuing Education Required for CTP Holders to Renew Their CTP**

**1. Since I am currently an APN with a CTP, must I take the required continuing education (CE) course prior to prescribing in accordance with SB 83?**

CTP holders are not required to complete the CE course prior to prescribing schedule IIs according to SB 83. However, **all CTP holders must complete the CE no later than August 31, 2013.**

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

**3. 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 (A), OAC. (For details, go to the Board website at [www.nursing.ohio.gov](http://www.nursing.ohio.gov) and click on Law 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 located on the Board web site (click on Continuing Education). The Board itself will not provide this CE.

**4. 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 includes the content included in SB 83 and Rule 4723-9-13, OAC. Also, all CE courses must meet the requirements for CE set forth in Rule 4723-14-05 (A), OAC. (See [www.nursing.ohio.gov](http://www.nursing.ohio.gov) and click on Continuing Education for more information).

**5. I have a CTP but 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?**

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

**6. Does the six-hour CE in schedule II prescribing required prior to the August 31, 2013 renewal date need to be classroom time or can the course be on-line? Can "CME" (continuing medical education) qualify?**

The six-hour course that would qualify for CTP renewal, according to Rule 4723-9-13, must meet the requirements of Chapter 4723-14, OAC. Rule 4723-14-05 explains what kind of continuing education qualifies. Independent study, as defined in Rule 4723-14-01, would qualify. This generally includes approved on-line training, as long as the activity includes both a mechanism of evaluation of learning and feedback to the learner.

Rule 4723-14-05 authorizes continuing education credit for activities approved by agencies that regulate a healthcare profession in Ohio or another state (such as the medical board), so CME may qualify. For more information on what would qualify as CE, see Rule 4723-14-05, or go to the Board's website under the Continuing Education link and click on "Continuing Education FAQ".

**7. Can the six hours of schedule II CE required by SB 83 and new Rule 4723-9-13, OAC, also be applied toward meeting the 12 contact hours of Advanced Pharmacology required for CTP renewal (i.e., I do not need to have 18 hours of advanced pharmacology CE)?**

Correct. Nothing in SB 83 indicates that the six-hour CE that is required prior to August 31, 2013 cannot be otherwise applied toward the existing CTP renewal requirements. Amended Rule 4723-9-07, OAC, effective November 5, 2012, does not prohibit this either.

**8. Can one hour of the six hours of schedule II CE required by SB 83 qualify for the one hour of "Category A", Ohio law and rule, required by Rule 4723-14-03, OAC, for RN renewal?**

Possibly. If one hour of the six hours otherwise meets all the requirements for category

As it may be applied toward the RN renewal requirement and the six-hour CTP renewal requirement. In order to qualify, the one-hour component needs to meet the definition of Category A set forth in Rule 4723-14-01, which requires that the education must be approved by an OBN approver, the Board, or offered by an OBN approved provider unit headquartered in Ohio.

**9. For future renewal periods, will the six-hour course in schedule II controlled substances be required?**

No. However, you will need to obtain at least 12 hours in advanced pharmacology, of which includes at least some instruction in controlled substances. Rule 4723-9-07, OAC, as in effect November 5, 2012. There is no minimum hour component to the controlled substances instruction.

**10. Do I need to mail in a copy of my certificate documenting completion of the six-hour course in schedule IIs with my CTP renewal application?**

No. You will be required to attest that you completed the six-hour course, and the Board will conduct a random audit to verify completion, so retain your certificate of completion as evidence in the event you are audited. You are required to keep this proof for a period of six years. Rule 4723-14-06, OAC.

**Questions for Current CTP-E Holders**

**1. I am an APN and obtained a CTP-E prior to June 8, 2012. Must I take the six-hour course in schedule IIs prior to prescribing in accordance with SB 83?**

Effective June 8, 2012, in order to obtain a CTP-E, an applicant's course in Advanced Pharmacology must include the six-hour course in schedule II controlled substances. If you received a CTP-E prior to June 8, 2012, you need to obtain a six-hour course content in schedule II controlled substances as part of a course in Advanced Pharmacology prior to being eligible for a CTP. See Section 4723.482, ORC as amended by SB 83, and Rule 4723-9-02, effective November 5, 2012. In the interim, the law is silent on whether you may prescribe according to the expanded authority provided by SB 83. The Board would recommend reviewing with your education program how to obtain the six-hours in schedule II controlled substances, and completing the requirement as soon as possible.

**2. I have a CTP-E, but 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 course?**

APNs with a CTP-E must complete a six-hour course in schedule II controlled substances, as part of a course in Advanced Pharmacology, prior to obtaining their CTP. See Section 4723.482, ORC, as amended by SB 83, and Rule 4723-9-02, OAC, effective November 5, 2012.

**3. 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 did not receive my CTP-E until after June 8, 2012, which was the effective date of the new law. Will I need to complete the six hours in schedule II controlled substances?**

In order to obtain a CTP-E, as of June 8, 2012, your Advanced Pharmacology course was required to include the six-hours in schedule II controlled substances. See Section 4723.482, ORC, as amended by SB 83. You are required to complete six hours of course content in schedule II controlled substances as part of the Advanced Pharmacology course prior to being eligible for a CTP. Educational institutions should be aware of the need to supplement the Advanced Pharmacology course with the additional education required by SB 83, so discuss course options with your university.

### **Questions for APNs Without a CTP or CTP-E**

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

Yes. 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 Ohio law and rules, and it must be completed within three years of applying for a CTP-E.

SB 83 requires that the Advanced Pharmacology course now include six hours of content specific to schedule II controlled substances, and the Board amended its rule related to the Advanced Pharmacology course to reflect this. See Rule 4723-9-02, effective November 5, 2012. The rule amendment does not increase the minimum required 45-hours, but may require education programs to adjust their course content.

**2. I have not yet applied for a CTP-E, but the Advanced Pharmacology course that I completed two years ago did not contain the six hours in schedule II controlled substances. Do I have to take an additional six hours to supplement the completed Advanced Pharmacology course and if so, does it have to be in “classroom time” with an instructor rather than independent study?**

Section 4723.482, ORC, requires that a course of study in Advanced Pharmacology be “planned classroom and clinical instruction”, not independent study. The six-hours in schedule II controlled substances was added by SB 83 to the Advanced Pharmacology course, so it must be part of planned classroom instruction rather than independent study.

The Ohio Board of Nursing worked with the state legislature on an amendment in Substitute House Bill 303 to Section 4723.482, ORC to assist pending Certificate To Prescribe (CTP-E) holders and applicants. **The amendment became law on December 20, 2012.**

The amendment makes an exception for pending CTP-E holders and CTP-E applicants who completed a 45-hour course of study in advanced pharmacology before December 20, 2012. This exception allows these APNs to take a 6-hour online course in schedule II controlled substances to supplement the advanced pharmacology course of study rather than requiring a "classroom or clinical course" to satisfy the course of study requirements. The online course must meet the CE requirements established in Chapter 4723-14, OAC.

To re-summarize:

1. If you completed the 45-hour advanced pharmacology course of study without the 6-hours in schedule II controlled substances prior to December 20, 2012, the 6-hour online course in schedule II controlled substances may be taken before or after December 20, 2012.
2. If you have not completed the 45-hour advanced pharmacology course prior to December 20, 2012, the 6-hour course in schedule II controlled substances must be taken as part of the 45-hour advanced pharmacology classroom or clinical course of study as already required in current law.

*The Board encourages APNs and other interested parties to periodically check the Board web site (Advanced Practice Nurses link) for additional information regarding SB 83, related administrative rules, FAQs, and the work of the Committee on Prescriptive Governance (CPG).*