



The Ohio Youth Sports Concussion and Head Injury Return to Play Guidelines Committee (Committee) through the Ohio Department of Health requested the Ohio Board of Nursing to provide testimony at its December 18, 2014 meeting. In accordance with Ohio's new youth sports concussion law including provisions established in Ohio Revised Code (ORC) Section 3707.521 (effective September 17, 2014), the Committee is charged with developing guidelines regarding concussions and head injuries sustained by youth participating in interscholastic sporting events. The Committee's guidelines must outline the (1) diagnosis and treatment of concussions; (2) the conditions under which an athlete may be granted clearance to return to practice or competition; and (3) the minimum education requirements necessary to qualify a physician or licensed health care professional to assess and clear an athlete for return to practice or competition.

ORC Section 3313.539(E)(4) directs the Ohio Board of Nursing to adopt rules by September 17, 2015 for the minimal education requirements for its licensees who conduct "assessments and clearances" in accordance with the statute. ORC Section 3707.521(E) requires that the Nursing Board "establish standards that are equal to or stronger than the guidelines developed by the committee." To assist the Committee and Nursing Board establish guidelines within the narrow timelines, the Committee asked the Board to provide an overview of nursing scope of practice and related laws.

ORC Section 4723.01(B) defines the scope of practice for the registered nurse. Ohio Administrative Code (OAC) Rule 4723-4-03 holds registered nurses responsible for maintaining and demonstrating current knowledge, skills, abilities, and competence in rendering nursing care within their scope of practice.

The scope of practice for a registered nurse includes assessing health status for purposes of providing nursing care. The assessment may include the collection of a client's health history and the performance of a physical examination when the purpose of the history and physical examination is to assess the health status of an individual for the purpose of providing nursing care [ORC Section 4723.01(B)].

ORC Section 4723.01(B) defines the scope of registered nurse practice as:

"Providing to individuals and groups nursing care requiring specialized knowledge, judgment, and skill derived from the principles of biological, physical, behavioral, social, and nursing sciences. Such nursing care includes:

- (1) Identifying patterns of human responses to actual or potential health problems amenable to a nursing regimen;
- (2) Executing a nursing regimen through the selection, performance, management, and evaluation of nursing actions;
- (3) Assessing health status for the purpose of providing nursing care;
- (4) Providing health counseling and health teaching;
- (5) Administering medications, treatments, and executing regimens authorized by an individual who is authorized to practice in this state and is acting within the course of the individual's professional practice;
- (6) Teaching, administering, supervising, delegating, and evaluating nursing practice."

The registered nurse must apply the Nurse Practice Act (ORC Chapter 4723) and rules regulating the practice of nursing (OAC Chapters 4723-1 to 4723-27) to the specific practice setting. Further, the registered nurse must utilize good professional judgment in determining whether or not to engage in a given patient-care related activity. It is important to note that the law and rules require that nurses provide nursing care only in circumstances that are consistent with their education, experience, knowledge, and demonstrated competency.

The guidelines that are being developed by this Committee require the licensed provider to both "assess and clear" the athlete as safe to return to the sport. The judgment needed to both "assess and clear" the athlete as safe to return to the sport requires a degree of medical diagnosis to clear the athlete following the injury. ORC Section 4723.151(A) prohibits a registered nurse from providing medical diagnoses, medical measures, or engaging in the practice of medicine or surgery in Ohio. While it is within the registered nurse scope of practice to "assess" the patient by verifying the presence or absence of specific physical examination findings, symptoms or complaints that may indicate the presence of or help rule out a concussion, it is beyond the registered nurse scope of practice to provide a medical diagnosis.

ORC Section 4723.151(B) permits an Advanced Practice Registered Nurse (APRN) who has achieved special certification through graduate education and training to practice within an advanced scope of practice. An APRN with appropriate specialty certification should be qualified to both "assess and clear" the youth athlete with respect to a concussion. More specifically, of the four categories of APRN providers, the Certified Nurse Practitioner (CNP) and the Clinical Nurse Specialist (CNS) are the two provider types whose scope of practice allows for pediatric concussion treatment. The CNP may provide primary care services and services for acute illnesses consistent with their education and certification and the CNS is permitted to care for individuals with complex health problems consistent with the nurse's education.

The other two APRN categories are the Nurse Midwife and the Nurse Anesthetist. Neither practice fits within this discussion. To assist APRN providers and others in determining individual APRN scope of practice, the Board developed in 2010 a "Decision Making Guide for determining individual APRN scope of practice." Please see the attachment and use the link provided to this Guide found on the Nursing Board's website at:

[http://www.nursing.ohio.gov/PDFS/AdvPractice/APNModel\(11-16-10\).pdf](http://www.nursing.ohio.gov/PDFS/AdvPractice/APNModel(11-16-10).pdf)

Also provided is an attachment and link to the current Board Approved National Certifying Organizations found at:

<http://www.nursing.ohio.gov/PDFS/AdvPractice/APRN National Cert Org List 2014.pdf>

The CNP and the CNS work in "collaboration" with a physician or physicians and provide to patients nursing care that requires knowledge and skill obtained from advanced formal education, which includes a clinical practicum, and clinical experience as specified in statute and rules. "Collaboration" means that "in the case of a CNP or CNS that a physician has entered into a standard care arrangement with the nurse and is continuously available to communicate

with the CNS or CNP either in person, or by radio, telephone, or other form of telecommunication." The CNP and CNS must enter into a "standard care arrangement" which is a written, formal guide for planning and evaluating a patient's health care that is developed by a collaborating physician and the CNP or CNS. The CNP's and CNS's practice is subject to standards of practice, quality assurance, and continuing education requirements set forth in OAC Chapter 4723-8 found at <http://codes.ohio.gov/oac/4723-8>. ORC Section 4723.431(A) requires that each collaborating physician be actively engaged in direct clinical practice in this state and practicing in a specialty that is the same as or similar to the nurse's nursing specialty.

CNPs and CNSs are required to have education in acute and chronic management for a wide range of health conditions as part of their national certification and state licensing requirements. ORC 4723.43 states that CNPs and CNSs "may provide to individuals...nursing care that requires knowledge and skill obtained from advanced formal education and clinical experience." Consistent with their education, training and experience, CNP and CNS licensees may safely assess, treat and clear youth sports participants in Ohio who have suffered concussions or like symptoms.

The Ohio Board of Nursing will continue to make itself available to assist the Committee's important work. Thank you for providing the Board the opportunity to appear before the Committee at this meeting.

"By virtue of its numbers and capacity, the nursing profession has the potential to effect wide-reaching changes in the health care system...Nurses thus are poised to help bridge the gap between coverage and access, to coordinate increasingly complex care for a wide range of patients, to fulfill their potential as primary care providers to the full extent of their education and training, and to enable the full economic value of their contributions across practice settings to be realized."

Institute of Medicine (IOM) report, "The Future of Nursing: Leading Change, Advancing Health (2010)."