

APPENDIX I -- PART 2

DECLARATORY STATEMENTS OF THE BOARD OF NURSING

NUMBERS 7 TO 21

[NOTE: DELETED MATERIAL IS NOTED BY AN ELLIPSES (* * *)]

NO. 7

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF NURSING

IN RE:
BON-DS-88-3

The Petition for

FINAL ORDER NO.

Declaratory Statement of:

FILED DATE: 3/02/89

NANCY A. FORMELLA, R. N.

FINAL ORDER

This matter came before the Board of Nursing pursuant to Section 120.565, Florida Statutes and Rule 28-4, Florida Administrative Code on December 9, 1988 in Jacksonville, Florida for the purpose of considering the petition for declaratory statement filed by NANCY A. FORMELLA, (hereinafter Petitioner). Petitioner was present. Having considered the petition and otherwise fully advised in the premises, the Board makes the supporting documentation provided by Petitioner, and being following findings and conclusions:

FINDINGS OF FACTS

1. Petitioner is a registered nurse in the State of Florida, employed by St. Luke's Hospital, Jacksonville, Florida.

2. Petitioner is in doubt as to whether, in her position as a supervisor of registered nurses in St. Luke's Hospital, registered nurses may assist in a procedure known as percutaneous endoscopic gastrostomy within a hospital setting.

3. In her Petition for Declaratory Statement filed with the Board, Petitioner requests the Board to answer substantially the following question:

Whether Section 464.003(3), Florida Statutes, which defines the practice of professional nursing can be construed to authorize a registered nurse to assist a physician in the above referenced procedure?

4. The Petition was noticed by the Board in the Florida Administrative Weekly in Vol. 14,

No. 23 at page 2151 on June 10, 1988.

5. Petitioner, as supervisor of registered nurses at St. Luke's Hospital in Jacksonville, Florida, asserts that the registered nurses at that hospital are being requested by the physician to assist in percutaneous endoscopic gastrostomies by making a 5 mm incision through the locally anesthetized skin into the stomach of a surgical patient at the exact place on the skin that the physician specifies. The purpose of the registered nurse assisting the physician in this procedure is that the physician is directing the endoscope into the patient's stomach. Petitioner asserts further that she believes that registered nurses are presently engaged in this practice in other GI labs in the Jacksonville area and that to her understanding, there have been no complications and situations in which nurses have assisted in this procedure.

6. Petitioner further asserts that it would be her desire to develop appropriate policies and procedures outlining the assistance of registered nurses in the above described procedure so that formal documented in-service education would be relied upon to prepare registered nurses to perform this procedure.

7. Petitioner's particular question goes to Section 464.003(3)(a)2, Florida Statutes, which includes within the practice of professional nursing:

The administration of medications and treatments as prescribed or authorized by a duly licensed practitioner authorized by the laws of this state to prescribe such medications and treatments.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Section 120.565, Florida Statutes and Rule Chapter 28-4, Florida Administrative Code.

2. The petition filed by Petitioner is in substantial compliance with the provisions of Section 120.565, Florida Statutes and Rule Chapter 28-4.001, Florida Administrative Code and Petitioner has the requisite interest to maintain this proceeding.

3. Section 464.003(3)(a), Florida Statutes in pertinent part provides:

"Practice of professional nursing" means the performance of those acts requiring substantial specialized knowledge, judgment, and nursing skill based upon applied principles of psychological, biological, physical, and social sciences which shall include, but not be limited to:

1. The observation, assessment, nursing diagnosis, planning, intervention, and evaluation of care: health teaching and counseling of the ill, injured, or infirm: and the promotion of wellness, maintenance of health, and prevention of illness of others.

2. The administration of medications and treatments as prescribed or authorized by a duly licensed practitioner authorized by the laws of this state to prescribe such medications and treatments.

4. Initially, the Board has considered whether the procedure described by Petitioner is a medication or treatment within the context of Section 464.003(3)(a)2. The Board concludes that the procedure in question is neither a medication no, a treatment but is surgical in nature and as such is not contemplated by the terms "medications and treatments", contained within Section 464.003(3)(a)2, Florida Statutes.

5. The Board is of the opinion that because the procedure in question is neither a medication nor a treatment as contemplated by Section 464.003(3)(a)2, Florida Statutes, but is surgical in nature, that it is beyond the scope of practice of a registered nurse.

WHEREFORE, it is therefore ordered that because a percutaneous endoscopic gastrostomy is neither a medication nor a treatment, but is surgical in nature, it is beyond the scope of a registered nurse to assist in such procedure. Petitioner is hereby notified that, she may appeal this order by filing one copy of the notice of appeal to the clerk of the agency, and by filing a filing fee and one copy of the notice of appeal to the District of Appeal within 30 days of the date this order is filed.

DONE and ORDERED this 2nd day of March, 1989.

BOARD OF NURSING

JEAN STARK, R.N., Chairman

CERTIFICATE OF SERVICE

* * *

NO.8

**STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF NURSING**

IN RE: The Petition for Declaratory
89-1

FINAL ORDER NO.: BON-DS-

Statement of:

FINAL DATE: 7/17/1989

SANDRA K. CORCORAN, R.N.,
ANN COOEY, R. N., and
BETTY MONTGOMERY, L.P.N.

FINAL ORDER

THIS CAUSE came before the Board of Nursing pursuant to Section 120.565, F.S., and Rule 28-4, F.A.C. on April 14, 1989 in Miami, Florida for the purpose of considering the Amended Petition for Declaratory Statement filed by Sandra K. Corcoran, R.N., Ann Coeey, R.N., and Betty Montgomery, L.P.N. (hereinafter Petitioners). Petitioners were not present. Having considered the Petition and supporting documentation provided by Petitioners, and being otherwise fully advised in the premises, the Board makes the following findings and conclusions:

FINDINGS OF FACTS

1. Petitioners Sandra K. Corcoran and Ann Coeey are registered nurses in the State of Florida employed by Sacred Heart Hospital, Pensacola, Florida; Petitioners Betty Montgomery is a licensed practical nurse in the State of Florida also employed by Sacred Heart Hospital.
2. Petitioners are in doubt as to whether the performing of certain intravenous therapy services is within the scope of practice of practical nursing as defined in Chapter 464, F.S. More specifically, Petitioners are in doubt as to whether licensed practical nurses may perform venipuncture, piggyback administration (superimposing intravenous fluids), and flushing of reseals.
3. In their Amended Petition for Declaratory Statement filed with the Board, Petitioners request the Board to answer substantially the following questions: Whether the performance of intravenous therapy services by licensed practical nurses is within the scope of practice of a licensed practical nurse as defined in Chapter 464, F.S.; more specifically, whether licensed practical nurses may perform venipuncture, piggyback administration (superimposing intravenous fluids) and flushing of reseals.
4. Petitioners attached to their amended petition the course outline for the intravenous fluids therapy course held for licensed practical nurses at Sacred Heart Hospital.
5. The petition was noticed by the Board in the Florida Administrative Weekly in Vo. 15, No.5 at page 467 on February 3, 1989.
6. Petitioners, as registered and licensed practical nurses employed by Sacred Heart Hospital in Pensacola, Florida, assert that the severe shortage of registered nurses in the State of Florida necessitates increased support of the job duties of a registered nurse from licensed practical nurses. Petitioners also assert that the use of licensed practical nurses to perform intravenous therapy services is a common and generally accepted practice in many hospitals in the State of Florida; however, it should be noted that the petition does not name any specific hospital. Petitioners also assert that performing of intravenous therapy services by licensed practical nurses is specifically permitted under the California Nurse Practice Act.

7. Petitioners have provided with their petition an outline of the intravenous therapy course which would be given to licensed practical nurses at Sacred Heart Hospital.

8. Petitioners' particular question goes to Section 464.003(3)(b), F.S. which provides the following definition:

"Practice of practical nursing" means the performance of selected acts, including the administration of treatments and medications, in the care of the ill, injured, or infirm and the promotion of wellness, maintenance of health, and prevention of illness of others under the direction of a registered nurse, a licensed physician, a licensed osteopathic physician, a licensed podiatrist, or licensed dentist.

The professional nurse and practical nurse shall be responsible and accountable for making decisions based upon the individual's educational preparation and experience in nursing.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Section 120.565, F.S. and Rule Chapter 28-4, F.A.C.

2. The amended, petition filed by Petitioners is in substantial compliance with the provisions of Section 120.565, F.S. and Rule Chapter 28-4.001, F.A.C. and Petitioners have the requisite interest as registered and licensed practical nurses employed within a hospital setting to maintain this proceeding.

3. Section 464.003(3)(b), F.S. provides the following definition:

"Practice of practical nursing" means the performance of selected acts, including the administration of treatments and medications, in the care of the ill, injured, or infirm and the promotion of wellness, maintenance of health, and prevention of illness of others under the direction of a registered nurse, a licensed physician, a licensed osteopathic physician, a licensed podiatrist, or licensed dentist.

The professional nurse and practical nurse shall be responsible and accountable for making decisions based upon the individual's educational preparation and experience in nursing.

4. In considering the Petitioners' Request for Declaratory Statement, the Board has considered the

course outline submitted with the amended petition as the suggested training for licensed practical nurses performing intravenous therapy services within Sacred Heart Hospital. The Board concludes that the program as submitted is inadequate to prepare licensed practical nurses for the performing of intravenous therapy services in that the program lacks specificity and clarity in its components and is inadequate to sufficiently prepare a licensed practical nurse for the performing of intravenous therapy services.

5. Furthermore, the Board concludes that the declaratory statement does not specifically address the extent of intravenous therapy services to-be performed by licensed practical, nurses, thus rendering it difficult for the Board to fully address the question of whether the performing of intravenous services by licensed practical nurses is within the scope of practice of licensed practical nurse as defined by Section 464.003(3)(b), F. S.

6. The Board is of the opinion that based upon the general nature of the amended petition and the lack of specificity and clarity in the course outlined for the training of licensed practical nurses performing intravenous therapy services in Sacred Heart Hospital, that is beyond the scope of practice of a licensed practical nurse to provide intravenous therapy services based upon completion of the course submitted with the petition.

WHEREFORE, it is therefore Ordered that because the Board has determined that the course outline submitted by Petitioners as being offered at Sacred Heart Hospital does not sufficiently prepare licensed practical nurses to provide intravenous therapy services, that it is beyond the scope of a licensed practical nurse to provide intravenous therapy services on the basis of having completed such program.

Petitioners are hereby notified that they may appeal this order by filing one copy of the notice of appeal with the clerk of the agency and by filing a filing fee and one copy of the notice of appeal with the District Court of Appeal within thirty (30) days of the date this final order is filed.

DONE and ORDERED this 17th day of July, 1989.

BOARD OF NURSING

JEANNE STARK, R.N., Chairman

CERTIFICATE OF SERVICE

* * *

JUDIE RITTER
Executive Director

For Sight.

4. The Board published notice of its receipt of the petition in the April 21, 1989; issue of the Florida Administrative Weekly, Vol. 15, No. 16, page 1699.

5. The petition was discussed by the Board at its meeting on October 13, 1989, in Orlando, Florida.

6. Petitioner appeared and offered her own testimony. Mr. Tony L. Rovinsky, Chief Operating Officer of the office of Petitioner's employer (Center For Sight) also appeared as a witness.

7. Pre-operative histories and physicals include reviewing the patient's chief complaint and medical history with emphasis on the cardiovascular and pulmonary systems, vital signs and general inspection of the patient.

8. Section 464.003(3), Florida Statutes, provides in part for RNs to observe, assess, and provide nursing diagnosis of others.

9. Section 464.012, Florida Statutes, provides for an advanced registered nurse practitioner (ARNP) to monitor and alter drug therapies within the framework of an established protocol under the supervision of a licensed physician. There is no other similar provision for other nurses within Chapter 464, Florida Statutes.

10. No evidence was provided to establish that Petitioner is an ARNP, or that she works under protocols regarding modification of medications.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Section 120.565, Florida Statutes, Rule 210-6.018 and Chapter 28-4, Florida Administrative Code.

2. Petitioner, as an RN, is permitted to do a pre-operative history and physical examination.

3. Petitioner, not being an ARNP, is prohibited from modifying or altering anti-coagulant or any other medication. Such modification or alteration may be performed only by a physician or by an ARNP pursuant to the provisions of Chapter 464, Florida Statutes.

4. There is competent, substantial evidence to support the Board's Findings of Fact and Conclusions of Law.

WHEREFORE, it is the opinion of the Board of Nursing that Petitioner, Shirley Trowbridge, RN, is permitted to do preoperative histories and physical examinations of ambulatory cataract surgery patients. However Petitioner is prohibited from modifying anticoagulant therapy.

Petitioner is hereby notified that she may appeal this Final Order by filing one copy of a notice of appeal with the Clerk of the Board of Nursing, and by filing an appropriate filing fee and one copy of a notice of appeal with the District Court of Appeal within 30 days of the date this Final Order is filed. This Final Order becomes effective upon being filed with the Clerk of the Board of Nursing.

DONE AND ORDERED this 22nd day of January, 1990.

BOARD OF NURSING

JEANNE STARK, R.N., CHAIRMAN

CERTIFICATE OF SERVICE

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JUDIE RITTER, Executive Director

NO. 10

**STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF NURSING**

IN RE: THE PETITION FOR
89-3
DECLARATORY STATEMENT
OF:
JEAN BALMES, RN
333 Tamiami Trail South, Suite 395
Venice, Florida 34285

FINAL ORDER NO.: BON-DS-
FILED DATE: 1/22/1990

FINAL ORDER

This matter came before the Board of Nursing pursuant to Section 120.565, Florida Statutes, Rule 210-6.018 and Chapter 28-4, Florida Administrative Code, on October 13, 1989 in Orlando, Florida, for the purpose of considering the Petition for Declaratory Statement filed by Jean Balmes, RN.

No person or entity sought to intervene as a party. Having considered the petition and being otherwise fully advised in the premises, the Board makes the following findings and conclusions:

FINDINGS OF FACT

1. Petitioner is licensed to practice professional nursing as a registered nurse (RN) in the State of Florida. Her last known address is Suite 395, 333 Tamiami Trail South, Venice, Florida 34285.

2. In a petition for declaratory statement dated January 23, 1989, Petitioner requested an interpretation by the Board of Chapter 464, Florida Statutes, The petition was received by the Board on February 3, 1989.

3. In describing how the interpretation of the statute would effect her in her particular set of circumstances only the Petitioner requested the following:

As a registered nurse in Florida may she perform superior rectus bridle suture placement and erection of conjunctival peritomy in addition to her current duties of scrub and first assistant on cataract surgery patients.

4. The Board published notice of its receipt of the petition in the April 21, 1989, issue of the Florida Administrative Weekly, Vol. 15, No. 16, page 1699.

5. The petition was discussed by the Board at its meeting on October 13, 1989, in Orlando, Florida.

6. Petitioner appeared and offered as evidence a videotape depicting the two procedures in question. Mr. Tony L. Rovinsky, Chief Operating Officer of the office of Petitioner's employer (Center For Sight) also appeared as a witness.

7. Superior rectus bridle suture placement involves placing a traction suture beneath the tendon of one of the outer eye muscles, the purpose of which is to help immobilize the eye and position it such that the exposure for surgery is optimal.

8. Creation of a conjunctival peritomy involves the use of a delicate tissue forcep and fine scissor which are used to grasp the most superficial layer of the outer eye known as the conjunctiva. This tissue is, incised for approximately one-quarter of an inch and then hemostasis achieved with a wet field cautery. The eye is then prepared for the initial incision into the limbus which is performed by the operating physician.

9. The Board reviewed the Association of Operating Room Nurses (AORN) official statement regarding RNs as First (Surgical) Assistants. The AORN statement permits tissue handling, providing exposure, using instruments, suturing and providing hemostasis. However, according to the statement, an RN is practicing within the scope of perioperative nursing only if the RN has had educational training as a First Assistant including organized instruction and supervised experience in the procedures to be performed. Furthermore, the above-stated procedures are to be performed by the RN First Assistant only under direct supervision of a licensed physician who is present at the operating table. This AORN statement was adopted by the Board in 1984.

10. No evidence was presented that the Petitioner has obtained the necessary organized instruction to qualify her to perform superior rectus bridle suture placement or conjunctival peritomy.

11. The AORN, statement adopted by the Board in 1984 does not permit RNs to make incisions.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Section 120.565, Florida Statutes, Rule 210-6.018 and Chapter 28-4, Florida Administrative Code.

2. Petitioner, if appropriately trained and supervised, would be permitted within the scope of Chapter 464, Florida Statutes, to perform superior rectus bridle suture placement and hemostasis, but would not be permitted to create conjunctival peritomy.

3. There is competent, substantial evidence to support the Board's Findings of Fact and Conclusions of Law.

WHEREFORE, it is the opinion of the Board that Petitioner, Jean Balmes, RN, is not permitted to perform superior rectus bridle suture placement orhemostatis until such time as she has practice to perform the incision described in the petition for declaratory statement (conjunctival peritomy).

Petitioner is hereby notified that she may appeal this Final Order by filing one copy of a notice of appeal with the Clerk of the Board of Nursing, and by filing an appropriate filing fee and one copy of a notice of appeal with the District Court of Appeal within 30 days of the date this Final Order is filed. This Final Order becomes effective upon being filed with the Clerk of the Board of Nursing.

DONE AND ORDERED this 22nd day of January, 1990.

BOARD OF NURSING

JEANNE STARK, R.N., Chairman

CERTIFICATE OF SERVICE

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JUDIE RITTER
Executive Director

NO. 11

**STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF NURSING**

IN RE: The Petition For Declaratory
Statement of:
JOAN R. FUTCH, R.N.

FINAL ORDER NO. BON-DS-90-2
FILED DATE: 9/05/90

FINAL ORDER

This matter came before the Board of Nursing pursuant to Chapter 120.565, Florida Statutes, and Chapter 28-4, Florida Administrative Code on August 17, 1990, in Tallahassee, Florida for the purpose of considering the petition for Declaratory Statement filed by Joan R. Futch. Having considered the Petition and supporting documentation provided by Petitioner, the Board makes the following findings and conclusions:

FINDINGS OF FACT

1. Petitioner is a registered nurse in the State of Florida, employed by Tallahassee Memorial Regional Medical Center, Tallahassee, Florida.
2. Petitioner asks whether it is within the scope of practice for professional nurses as defined in Section 464.003(3), Florida Statutes, to monitor the administration of premixed epidural analgesia via an intravenous infusion pump and to adjust the rate based upon specific physician order.
3. In her hospital they use Fentanyl and Dilaudid, both narcotic analgesias, for post operative pain management. The anesthesiologist would place the catheter and inject the loading dose.
4. The registered nurse or pharmacist would mix the narcotics in the I.V. solution. That mixture would be administered to the patient on a continuous basis by an I.V. infusion pump which the R.N. would monitor using the Glasco Coma Scale. The R.N. would adjust the rate based upon specific physician order depending upon the assessment of the patient's status.
5. This Petition was noticed by the Board in the March 2, 1990, issue of the Florida

Administrative Weekly, Volume 16, No. 9, pages 1048-49.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Section 120.565, Florida Statutes, and Chapter 28-4, Florida Administrative Code.

2. The Petition filed by the Petitioner is in substantial compliance with the provisions of Section 120.565, Florida Statutes, and Rule 28-4.001, Florida Administrative Code, and Petitioner has the requisite interest to maintain this proceeding.

3. Section 464.003(3)(a), Florida Statutes in pertinent part provides:

(J)(a) "Practice of professional nursing" means the performance of those acts requiring substantial specialized knowledge, judgement, and nursing skill based upon applied principles of psychological, biological, physical, and social sciences which shall include, but not be limited to:

1. The observation, assessment, nursing diagnosis, planning, intervention, and evaluation of care; health teaching and counseling of the ill, injured, or infirm; and the promotion of wellness, maintenance of health, and prevention of illness of others.

2. The administration of medications and treatments as prescribed or authorized by a duly licensed practitioner authorized by the laws of this state to prescribe such medications and treatments.

4. It is the opinion of the Board that the procedure proposed by Petitioner, the monitoring of Fentanyl and Dilaudid infusions by registered nurses within a hospital setting, is within the scope of practice of a registered professional nurse under Section 464.003, Florida Statutes. This conclusion is based upon the Board's interpretation of Section 164.003, more specifically, Section 464.003(3)(a)2, and upon the Board's understanding that registered nurses would be responsible for monitoring of the narcotics as a medication or treatment only, any change in the rate of infusion by the IV pump would be at specific physician order.

5. It is also the opinion of the Board that hospitals, wishing to utilize registered nurses to observe and monitor patients receiving Fentanyl and Dilaudid in I.V. infusion pumps must articulate and rely upon protocols, and guidelines which take into account the education and training of any registered nurse prior to permitting the registered nurses to monitor and alter the narcotic infusion.

Petitioner is notified that she may appeal this order by filing one copy of the Notice of Appeal with the Clerk of the agency, and by filing a filing fee and one copy of the Notice of Appeal with the District

Court of Appeal within thirty (30) days of the date this order is filed.

DONE and ORDERED this 5th day of September 1990.

BOARD OF NURSING

NATALIA N. CRUZ, ARNP
Chairman

CERTIFICATE OF SERVICE

* * *

JUDIE K. RITTER
Executive Director

NO. 12

**STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF NURSING**

IN RE:

THE PETITION FOR DECLARATORY
90-5

STATEMENT OF:
JOAN SUDBURY, R.N.

FINAL ORDER NO.: BON-DS-

FILED DATE: 9/5/1990

FINAL ORDER

This matter came before the Board of Nursing pursuant to Chapter 120.565, Florida Statutes, and Chapter 28-4, Florida Administrative Code on August 17, 1990, in Tallahassee, Florida for the purpose of considering the petition for Declaratory Statement filed by Joan Sudbury. Having considered the Petition and supporting documentation provided by Petitioner, the Board makes the following findings and conclusions:

FINDINGS OF FACT

1. Petitioner is a registered nurse in the State of Florida, employed as loss control specialist at Florida Hospital Trust Fund, Maitland, Florida.

2. Petitioner asks whether it is within the scope of practice for professional nurses as defined in Section 464.003(3), Florida Statutes, to inject morphine or other narcotics via epidural catheters.

3. The Petition was noticed by the Board in the March 2, 1990, issue of Florida Administrative Weekly, Volume 16, No.9, Page 1049.

4. Section 464.003(3)(a), Florida Statutes in pertinent part provides:

(3)(a) "Practice pf professional nursing"means the performance of those acts requiring substantial specialized knowledge, judgement, and nursing skill based upon applied principles of psychological, biological, physical, and social sciences which shall include, but not be limited to:

1. The observation, assessment, nursing diagnosis, planning, intervention, and evaluation of care; health teaching and counseling of the ill, injured, or infirm; and the promotion of wellness, maintenance of health, and prevention of illness of others.

2. The administration of medications and treatments prescribed or authorized by a duly licensed practitioner authorized by the laws of this state to prescribe such medications and treatments

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Section 120.565, Florida Statutes, and Chapter 28-4, Florida Administrative Code.

2. The Petition filed by the Petitioner is in substantial compliance with the provisions of Section 120.565, Florida Statutes, and Rule 28-4.001, Florida Administrative Code, and petitioner has the requisite interest to maintain this proceeding.

3. The Board is of the opinion that it is within the scope of practice under Section 464.003(3)(a)(2), Florida Statutes, for a registered nurse to inject epidural catheters with prescribed narcotic medications for post operative surgical pain management. This assumes that the morphine or other narcotic is an analgesic properly prescribed by the physician and is therefore "the administration of medications and treatments."

Petitioner is notified that she may appeal this order by filing one copy of the Notice of Appeal with the Clerk of the agency, and by filing a filing fee and one copy of the Notice of Appeal with the District Court of Appeal within thirty (30) days of the date this order is filed.

Done and Ordered this 5th day of September, 1990.

BOARD OF NURSING

NATALIA N. CRUZ, ARNP
Chairman

CERTIFICATE OF SERVICE

* * *

JUDIE K. RITTER
Executive Director

NO. 13

**STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF NURSING**

IN RE: THE PETITION FOR DECLARATORY
6

FINAL ORDER NO. BON-DS-90-

STATEMENT OF:
CAROLYN A. GLADDING, R.N.

FILED DATE:

FINAL ORDER

This matter came before the Board of Nursing pursuant to Chapter 12"0.565, Florida Statutes, and Chapter 28-4, Florida Administrative Code on August 17, 1990, in Tallahassee, Florida for the purpose of considering the Petition for Declaratory Statement filed by Carolyn A. Gladding. Having considered the Petition and supporting documentation provided by Petitioner, the Board makes the following findings and conclusions:

FINDINGS OF FACT

1. Petitioner is a registered nurse in the State of Florida, employed by Halifax Medical Center, Daytona Beach, Florida.
2. Petitioner is in doubt whether or not a registered nurse in a hospital intensive care unit or post anesthesia unit may inject epidural catheters with a narcotic medication for post operative surgical pain management. She asks whether Section 464.003(3), Florida Statutes, which defines the practice of professional nursing, can be construed to permit such a procedure.
3. The hospital practice includes placement of the epidural catheter by the anesthesiologist prior to the patient entering the intensive care or post anesthesia unit. Anesthesia is not immediately

available to the patient or the nurse during the administration of the narcotic in the intensive care or post anesthesia unit.

4. The Petition was noticed by the Board in the March 2, 1990, issue of the Florida Administrative Weekly, Volume 16, No. 9, page 1049.

5. Petitioner's particular question goes to Section 464.003(3)(a)2, Florida Statutes, which includes within the practice of professional nursing:

The administration of medications and treatments as prescribed or authorized by a duly licensed practitioner authorized by the laws of this state to prescribe such medications and treatments.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Section 120.565, Florida Statutes, and Chapter 28-4, Florida Administrative Code.

2. The Petition filed by the Petitioner is in substantial compliance with the provisions of Section 120.565, Florida Statutes, and Rule 28-4.001, Florida Administrative Code, and petitioner has the requisite interest to maintain this proceeding.

3. The Board is of the opinion that it is within the scope of practice under Section 464.003(3)(a) (2), Florida Statutes, for a registered nurse to inject epidural catheters with prescribed narcotic medications for post operative surgical pain management.

Petitioner is notified that she may appeal this order by filing one copy of the Notice of Appeal with the Clerk of the agency, and by filing a filing fee and one copy of the Notice of Appeal with the District Court of Appeal within thirty (30) days of the date this order is filed.

DONE and ORDERED this 5th day of September 1990.

BOARD OF NURSING

NATALIA N. CRUZ, ARNP
Chairman

CERTIFICATE OF SERVICE

* * *

JUDIE K. RITTER

Executive Director

NO. 14

**STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF NURSING**

IN RE: THE PETITION FOR
BON-DS-90-1
DECLARATORY STATEMENT OF:
ELIZABETH AHO, R.N.

FINAL ORDER NO.:

FILED DATE: 12/26/1990

FINAL ORDER

This matter came before the Board of Nursing pursuant to Section 120.565, Florida Statutes, and Chapter 28-4, Florida

Administrative Code on August 17, 1990, in Tallahassee, Florida for the purpose of considering the Petition for Declaratory Statement filed by Elizabeth Aho. Having considered the petition and supporting documentation provided by Petitioner, the Board makes the following findings and conclusions:

FINDINGS OF FACT

1. Petitioner is a registered nurse in the State of Florida, employed by Lee Memorial Hospital, Fort Myers, Florida.
2. Petitioner is the Vice-President of Women and Children's Services at Lee Memorial. Among her duties are establishing policies and procedures for delivery of services to the obstetrical unit of the hospital. That facility has a level II obstetrical unit.
3. She asks whether it is within the scope of Section 464.003(3), Florida Statutes, for registered nurses to decrease or discontinue the administration of Marcaine during the labor process.
4. The anesthesiologists prescribe a low concentration of Marcaine, 0.125% for analgesia purposes process. During the labor and delivery process, the anesthesiologist will initiate the Marcaine epidurals for pain management in the hospital delivery section. The registered nurse will then decrease the rate or discontinue the epidural pursuant to a physician's order. The physician would be in the general area at the time of the epidural administration, but not in the immediate proximity.
5. This Petition was noticed by the Board in the March 2, 1990, issue of the Florida Administrative Weekly, Volume 16, No. 9, Page 1048.
6. In the Final Order in Case No. BON-DN-88-4, the Petition of Iris Helmuth, the Board determined

it is within the scope of practice in Section 464.003(a)(2), Florida Statutes, for a registered nurse to observe and monitor Marcaine infusions for purposes other than anesthesia. However, the nurse could not prepare, mix, place, or insert Marcaine as an anesthesia.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Section 120.565, Florida Statutes, and Chapter 28-4, Florida Administrative Code.

2. The Petition filed by the Petitioner is in substantial compliance with the provisions of Section 120.565, Florida Statutes, and Rule 28-4.001, Florida Administrative Code, and Petitioner has the requisite interest to maintain this proceeding

3. Section 464.003(3)(a), Florida Statutes, in pertinent part provides:

(3)(a) "Practice of professional nursing" means the performance of those acts requiring substantial specialized knowledge, judgement, and nursing skill based upon applied principles of psychological, biological, physical, and social sciences which shall include, but not be limited to:

(1) The observation, assessment, nursing diagnosis, planning, intervention, and evaluation of care; health teaching and counseling of the ill, injured, or infirm; and the promotion of wellness, maintenance of health, and prevention of illness of others.

(2) The administration of medications and treatments as prescribed or authorized by a duly licensed practitioner authorized by the laws of this state to prescribe such medications and treatments.

4. It is the opinion of the Board that a registered nurse may decrease or discontinue a continuous infusion of 0.125% Marcaine being used as epidural analgesic in the labor and delivery section of the hospital pursuant to physician's orders.

5. It is also the opinion of the Board hospitals wishing to utilize registered nurses to decrease or discontinue 0.125% Marcaine epidurals during the labor process must articulate and rely upon protocols, and guidelines which take into account the education and training of any registered nurse prior to permitting them to alter Marcaine infusions. Petitioner is notified that she may appeal this order by, filing one copy of the Notice of Appeal to the Clerk of the agency, and by filing a filing fee and one copy of the Notice of Appeal with the District Court of Appeal within thirty (30) days of the date this order is filed.

DONE and ORDERED this 26th day of December, 1990.

BOARD OF NURSING

NATALIA N. CRUZ, ARNP

CERTIFICATE OF SERVICE

* * *

JUDIE K. RITTER
Executive Director

**DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF NURSING**

NOTICE OF PETITION FOR DECLARATORY STATEMENT

NOTICE IS HEREBY GIVEN, pursuant to Section 120.565, Florida Statutes, that the Board of Nursing, within the Department of Professional Regulation, has received and may consider a petition for declaratory statement from the Sexual Abuse Treatment Center, Inc., Tampa, Florida, on substantially the following question: May sexual battery examinations lawfully be performed by registered nurses and/or advanced nurse practitioners in a non-hospital setting without a medical doctor on site?

The petition has been assigned case number BON-DS87-3. A copy of the petition may be obtained by writing to: Ms. Judie Ritter, Executive Director, Board of Nursing, 111 Coastline Drive, East, Suite 504, Jacksonville, Florida 32202.

NO. 15

**STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF NURSING**

IN RE: THE PETITION FOR DECLARATORY
3

FINAL ORDER NO. BON-DS-90-

STATEMENT OF:
JOAN R. FUTCH, R.N.

FILED DATE: 12/26/90

FINAL ORDER

This matter came before the Board of Nursing pursuant to Section 120.565, Florida Statutes, and Chapter 28-4, Florida Administrative Code on December 7, 1990, in Tampa, Florida for the purpose of considering the Petition for Declaratory Statement filed by Joan R. Futch. Having considered the petition and supporting documentation provided by Petitioner, the Board makes the following findings and conclusions:

FINDINGS OF FACT

1. Petitioner is a registered nurse in the state of Florida, employed by Tallahassee Memorial Regional Medical Center, Tallahassee, Florida.
2. Petitioner asks whether it is within the scope of practice for nurses as defined in Section 464.003(3), Florida Statutes, to monitor dermatone levels on patients receiving epidural anesthesia for labor and delivery.
3. The Petition was noticed by the Board in the March 2, 1990, issue of Florida Administrative Weekly, Volume 16, No.9, Page 1049.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Section 120.565, Florida Statutes, and Chapter 28-4, Florida Administrative Code.
2. The Petition filed by the Petitioner is in substantial compliance with the provisions of Section 120.565, Florida Statutes, and Rule 28-4.001, Florida Administrative Code, and Petitioner has the requisite interest to maintain this proceeding.
3. Section 464.003(3)(a), Florida Statutes, in pertinent part provides:
 - (3)(a) "Practice of professional nursing" means the performance of those acts requiring substantial specialized knowledge, judgement, and nursing skill based upon applied principles of psychological, biological, physical, and social sciences which shall include, but not be limited to:
 - (1) The observation, assessment, nursing diagnosis, planning, intervention, and evaluation of care; health teaching and counseling of the ill, injured, or infirm; and the promotion of wellness, maintenance of health, and prevention of illness of others.
 - (2) The administration of medications and treatments as prescribed or authorized by a duly licensed practitioner authorized by the laws of this state to prescribe such

medications and treatments.

4. Within the context of Section 464.003(a)1, Florida Statutes, registered nurses are permitted to make assessments of their patients. Therefore the R.N., if properly trained, may monitor the Dermatone levels on patients receiving epidural anesthesia for labor and delivery for the purpose of assessing that patient's status.

Petitioner is notified that she may appeal this order by filing one copy of the Notice of Appeal to the Clerk of the agency, and by filing a filing fee and one copy of the Notice of Appeal with the District Court of Appeal within thirty (30) days of the date this order is filed.

DONE and ORDERED this 26th day of December 1990.

BOARD OF NURSING

NATALIA N. CRUZ, ARNP
Chairman

CERTIFICATE OF SERVICE

* * *

JUDIE K. RITTER
Executive Director

NO. 16

**STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF NURSING**

IN RE: THE PETITION FOR FINAL ORDER NO.: BON-DS-90-4
DECLARATORY STATEMENT OF: FILED DATE: 12/26/1990
MARTINA POHL, R.N.

FINAL ORDER

This matter came before the Board of Nursing pursuant to Section 120.565, Florida Statutes, and

Chapter 28-4, Florida Administrative Code on August 17, 1990, in Tallahassee, Florida for the purpose of considering the Petition for Declaratory Statement filed by Martina Pohl. Having considered the petition and supporting documentation provided by Petitioner, the Board makes the following findings and conclusions:

FINDINGS OF FACT

1. Petitioner is a registered nurse in the State of Florida, and is the nursing quality assurance administrator of New England Critical Care , Inc.

2. Petitioner asks whether it is within the scope of practice for professional nurses as defined in Section 464.003(3)(a)2, Florida Statutes, to administer low dose anesthetic agents or to instruct patient or family members to use a continuous infusion pump. This petition was noticed by the Board in the March 2, 1990, issue of the Florida Administrative Weekly , Volume 16, No.9 at page 1049.

3. Section 464.003(3)(a), florida Statutes, in pertinent part provides:

(3) (a) "Practice of professional nursing" means the performance of those acts requiring substantial specialized knowledge, judgement, and nursing skill based upon applied principles of psychological, biological, physical, and social sciences which shall include, but not be limited to:

(1) The observation, assessment, nursing diagnosis, planning, intervention, and evaluation of care; health teaching and Counseling of the ill, injured, or infirm; and the promotion of wellness, maintenance of health, and prevention of illness of others.

(2) The administration of medications and treatments as prescribed or authorized by a duly licensed practitioner authorized by the laws of this state to prescribe such medications and treatments.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Section 120.565, Florida Statutes, and Chapter 28-4, Florida Administrative Code.

2. The Petition filed by the Petitioner is in substantial compliance with the provisions of Section 120.565, Florida Statutes, and Rule 28-4. 00.1, Florida Administrative Code, and Petitioner has the requisite interest to maintain this proceeding.

3. Initially, the Board has considered whether an epidural or intrapleural anesthesia is a medication

or treatment within the Context of Section 464.003(3)(a)2. The Board understands that certain anesthetics are regional anesthetic agents and as such are not within the meaning of the terms "medications and treatments. It is the opinion of the Board that epidural anesthesia is a regional anesthetic agent and as such is not contemplated by the terms "medications and treatments" contained within Section 464.003(3)(a)2, Florida Statutes. Therefore it is , not appropriate for R.N.s to administer anesthetic agents.

Petitioner is notified that she may appeal this order by filing one copy of the Notice of Appeal to the Clerk fo the agency, and by filing a filing fee and one copy of the Notice of Appeal with the District Court of Appeal within thirty (30) days of the date this order is filed.

DONE and ORDERED this 26th day of December, 1990.

BOARD OF NURSING

NATALIA N. CRUZ, A.R.N.P.

CERTIFICATE OF SERVICE

* * *

JUDIE K. RITTER

EXECUTIVE DIRECTOR

NO. 17

**FLORIDA BOARD OF NURSING
STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION**

IN RE: THE PETITION FOR DECLARATORY
NO.: BON-DS-90-9
STATEMENT OF:
KAREN SZUCS, R.N.

FINAL ORDER

FILED DATE: 12/26/1990

FINAL ORDER

This matter came before the Board of Nursing pursuant to Section 120.565, Florida Statutes, and Chapter 28-4, Florida Administrative Code on December 7, 1990, in Tampa, Florida for the purpose of considering the Petition for Declaratory Statement filed by Karen Szucs. Having considered the petition and supporting documentation provided by Petitioner, the Board makes the following findings and conclusions:

FINDINGS OF FACT

1. Petitioner is a registered nurse in the state of Florida, employed in the Nursing Education Department at St. Francis Hospital in Miami Beach, Florida.
2. Petitioner asks whether it is within the scope of practice for nurses as defined in Section 464.003(3), Florida Statutes to declot right atrial catheters with the instillation of urokinase.
3. The Petition was noticed by the Board in the March 2, 1990, issue of Florida Administrative Weekly, Volume 16, No.9, Page 1050.
4. Section 464.003(3)(b), Florida Statutes, in pertinent part provides:

(3)(a) "Practice of professional nursing" means the performance of those acts requiring substantial specialized knowledge, judgement, and nursing skill based upon applied principles of psychological, biological, physical, and social sciences which shall include, but not be limited to:

(1) The observation, assessment, nursing diagnosis, planning, intervention, and evaluation of care; health teaching and counseling of the ill, injured, or infirm; and the promotion of wellness, maintenance of health, and prevention of illness of others.

(2) The administration of medications and treatments as prescribed or authorized by a duly licensed practitioner authorized by the laws of this state to prescribe such medications and treatments.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Section 120.565, Florida Statutes, and Chapter 28-4, Florida Administrative Code.
2. The Petition filed by the Petitioner is in substantial compliance with the provisions of Section 120.565, Florida Statutes, and Rule 28-4.001, Florida Administrative Code, and Petitioner has the requisite interest to maintain this proceeding.
3. The Board is of the opinion that it is within the scope of practice under Section 464.003(3)(a)(2), Florida Statutes, for a properly trained registered nurse to declot right atrial catheters with the instillation of urokinase.

Petitioner is notified that she may appeal this order by filing one copy of the Notice of Appeal to the Clerk of the agency, and by filing a filing fee and one copy of the. Notice of Appeal with the District

Court of Appeal within thirty (30) days of the date this order is filed.

DONE and ORDERED this 26th day of December, 1990.

BOARD OF NURSING

NATALIA N. CRUZ, A.R.N.P.
CHAIRMAN

CERTIFICATE OF SERVICE

* * *

JUDIE K. RITTER
EXECUTIVE DIRECTOR

NO. 18

**STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF NURSING**

IN RE: THE PETITION FOR DECLARATORY
BON-DS-90-8

FINAL ORDER NO.

STATEMENT OF:
JOAN R. FUTCH, R.N.

FILED DATE: 1/08/91

FINAL ORDER

This matter came before the Board of Nursing pursuant to Section 120.565, Florida Statutes, and Chapter 28-4, Florida Administrative Code on December 7, 1990, in Tampa, Florida for the purpose of considering the Petition for Declaratory Statement filed by Joan R. Futch. Having considered the petition and supporting documentation provided by Petitioner, the Board makes the following findings and conclusions:

FINDINGS OF FACT

1. Petitioner is a registered nurse in the state of Florida, employed by Tallahassee Memorial Regional Medical Center, Tallahassee, Florida.
2. Petitioner asks whether it is within the scope of practice for professional nurses as defined in Section

464.003(3), Florida Statutes, to push an analgesic solution of Marcaine 0.25% through an intrapleural catheter.

3. The physician would insert the intrapleural catheter and administer the initial dose. It would then be the responsibility of the registered nurse to push the Marcaine solution based upon specific physician order.

4. This Petition was noticed by the Board in the March 2, 1990, issue of the Florida Administrative Weekly, Volume 16, No. 9, page 1049.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Section 120.565, Florida Statutes, and Chapter 28-4, Florida Administrative Code.

2. The Petition filed by the Petitioner is in substantial compliance with the provisions of Section 120.565, Florida Statutes, and Rule 284.001, Florida Administrative Code, and Petitioner has the requisite interest to maintain this proceeding.

3. Section 464.003(3)(a), Florida Statutes, in pertinent part provides:

(3)(a) "Practice of professional nursing" means the performance of those acts requiring substantial specialized knowledge, judgement, and nursing skill based upon applied principles of psychological, biological, physical, and social sciences which shall include, but not be limited to:

(1) The observation, assessment, nursing diagnosis, planning, intervention, and evaluation of care; health teaching and counseling of the ill, injured, or infirm; and the promotion of wellness, maintenance of health, and prevention of illness of others.

(2) The administration of medications and treatments as prescribed or authorized by a duly licensed practitioner authorized by the laws of this state to prescribe such medications and treatments.

4. It is within the scope of practice under Section 464.003(a), Florida Statutes, for the registered nurse to push an analgesic solution of Marcaine through an intrapleural catheter so long as the physician has inserted the catheter, administered the initial dose, or orders further administration of the medication.

Petitioner is notified that she may appeal this order by filing one copy of the Notice of Appeal to the Clerk of the agency, and by filing a filing fee and one copy of the Notice of Appeal with the District Court of Appeal within thirty (30) days of the date this order is filed.

DONE and ORDERED this 8th day of January 1991.

BOARD OF NURSING

NATALIA N. CRUZ, ARNP
Chairman

CERTIFICATE OF SERVICE

* * *

JUDIE K. RITTER
Executive Director

NO. 19

**FLORIDA BOARD OF NURSING
STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION**

IN RE: THE PETITION FOR DECLARATORY
NO.: BON-DS-90-10
STATEMENT OF:
JACKIE GONZALEZ

FINAL ODER

FILED DATE: 1/8/1991

FINAL ORDER

This matter came before the Board of Nursing pursuant to Section 120.565, Florida Statutes, and Chapter 28-4, Florida Administrative Code on December 7, 1990, in Tampa, Florida for the purpose of considering the Petition for Declaratory Statement filed by Jackie Gonzalez. Having considered the petition and supporting documentation provided by Petitioner, the Board makes the following findings and conclusions:

FINDINGS OF FACT

1. Petitioner is a registered nurse in the state of Florida, employed as Associate Director of Nursing at Miami Children's Hospital, Miami, Florida.
2. Petitioner asks whether it is withiri- the scope of practice for professional nurses as defined in Section 464.003(3), Florida Statutes to insert peripherally inserted central lines (PICs).
3. The Petition was noticed by the Board in the March 2, 1990, issue of Florida Administrative Weekly, Volume 16, No.9, Page 1048.

4. Section 464.003(3)(a), Florida Statutes, in pertinent part provides:

(3)(a) "Practice of professional nursing" means the performance of those acts requiring substantial specialized knowledge, judgement, and nursing skill based upon applied principles of psychological, biological, physical, and social sciences which shall include, but not be limited to:

(1) The observation, assessment, nursing diagnosis, planning, intervention, and evaluation of care; health teaching and counseling of the ill, injured, or infirm; and the promotion of wellness, maintenance of health, and prevention of illness of others.

(2) The administration of medications and treatments as prescribed or authorized by a duly licensed practitioner authorized by the laws of this state to prescribe such medications and treatments.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Section 120.565, Florida Statutes, and Chapter 28-4, Florida Administrative Code.

2. The Petition filed by the Petitioner is in substantial compliance with the provisions of Section 120.565, Florida Statutes, and Rule 28-4.001, Florida Administrative Code, and Petitioner has the requisite interest to maintain this proceeding.

3. The Board is of the opinion that -it is within the scope of practice under Section 464.003(3)(a), Florida Statutes, for a properly trained and educated registered nurse to insert peripherally inserted central lines (PICs).

Petitioner is notified that she may appeal this order by filing one copy of the Notice of Appeal to the Clerk of the agency, and by filing a filing fee and one copy of the Notice of Appeal with the District Court of Appeal within thirty (30) days of the date this order is filed.

DONE and ORDERED this 8th day of January, 1991.

BOARD OF NURSING

NATALIA N. CRUZ, A.R.N.P.
CHAIRMAN

CERTIFICATE OF SERVICE

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JUDIE K. RITTER
EXECUTIVE DIRECTOR

NO. 20

**STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF NURSING**

IN RE: PETITION FOR DECLARATORY
91-01

FINAL ORDER NO.: BON-DS-

STATEMENT OF:
BARBARA REAP, R.N.

FILED DATE: 6/21/1991

FINAL ORDER

This matter came before the Board of Nursing pursuant to Section 120.565, Florida Statutes, and Chapter 28-4, Florida Administrative Code, on February 8, 1991, in Atlantic Beach, Florida and was continued to April 12, 1991, in Miami, Florida, for the purpose of considering the Petition for Declaratory Statement filed by Barbara Reap. Petitioner was not in attendance at either Board meeting. Having considered the petition and supporting documentation provided by Petitioner, the Board makes the following findings and conclusions:

FINDINGS OF FACT

1. Petitioner is a registered nurse in the state of Florida, employed as the Nurse Manager of the Post Anesthesia Care Unit at Boca Raton Community Hospital, Boca Raton, Florida.
2. Petitioner asks whether it is within the scope of practice for registered nurses as defined in Section 464.003(3), Florida Statutes, while working in surgical and post anesthesia units to start epidural infusions of narcotics; she asks if those nurses may start epidural infusions of local anesthetics; and she further inquires whether such registered nurses may administer bolus doses of those medications into epidural catheters.
3. Boca Raton Community Hospital presently uses intravenous infusion pumps to administer epidural analgesia for postoperative pain management in its post-anesthesia and surgical care units. However registered nurses in those units do not presently start epidural infusions of narcotics or local anesthetics and do not inject bolus doses of narcotics or local anesthetics.
4. Petitioner uses the word "start" to mean initiate the infusion after a bolus has been administered by the anesthesiologist.
5. In no instance would the registered nurse place the catheter in the patient.
6. The Petition was noticed by the Board in the January 18, 1991 issue of the Florida Administrative Weekly, Volume 17, No . 3, pages 206-207.

7. Section 464.003(3){a), Florida Statutes, in pertinent part provides:

(3)(a) "Practice of professional nursing" means the performance of those acts requiring substantial specialized knowledge, judgement, and nursing skill based upon, applied principles of psychological, biological, physical, and social sciences which shall include, but not be limited to:

1. The observation, assessment, nursing diagnosis, planning, intervention, and evaluation of case; health teaching and counseling of the ill, injured, or infirm; and the promotion of wellness, maintenance of health, and prevention of illness of others.

2. The administration of medications and treatments as prescribed or authorized by a duly licensed practitioner authorized by a duly licensed practitioner authorized by the laws of this state to prescribe such medications and treatments.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over his matter pursuant to Section 120.565, Florida Statutes, and Chapter 28-4, Florida Administrative Code.

2. The Petition filed by the Petitioner is in substantial compliance with the provisions of Section 120.565, Florida Statutes, and Rule 28-4.001, Florida Administrative Code, and Petitioner has the requisite interest to maintain this proceeding.

3. The Board is of the opinion that it is within the scope of practice under Section 464.003(3)(a)(2), Florida Statutes, for a registered nurse to start epidural infusions with prescribed narcotic medications for post operative surgical pain management. This assumes that the narcotic is an analgesic properly prescribed by the physician and is therefore "the administration of medications and treatments." This also assumes the registered nurse has the appropriate education and training.

4. It is not within the scope of practice under Section 464.003(a) Florida Statutes, for the registered nurse to place the epidural catheter, to administer the bolus dose, or to administer local anesthesia. Those procedures are properly performed by the anesthesiologist or nurse anesthetist prior to the patient entering the post anesthesia and surgical units

Petitioner is notified that she may appeal this prder by filing one copy of the Notice of Appeal to the Clerk of the agency, and by filing a filing fee and one copy of the Notice of Appeal with the District Court of Appeal within thirty (30) days of the date this order is filed.

DONE AND ORDERED this 21st day of June, 1991.

BOARD OF NURSING

NATALIA N. CRUZ, ARNP
Chairman

CERTIFICATE OF SERVICE

* * *

JUDIE RITTER

NO. 21

**STATE OF FLORIDA
BOARD OF NURSING**

IN RE:

Petition for Declaratory

FINAL ORDER NO. BON-DS-
92-01

Statement of:

FINED DATE: 6/24/1992

NANCY JENSON, R.N. AND
SUSAN LUCHKA, R.N.

FINAL ORDER

This matter came before the Board of Nursing pursuant to Section 120.565, Florida Statutes, and Chapter 28-4, Florida Administrative Code, on April 10, 1992, in Miami, Florida for the purpose of considering the Petition for Declaratory Statement filed by Nancy Jenson and Susan Luchka. Having considered the petition, the supporting documentation provided by Petitioners, and testimony at the hearing, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. Nancy Jenson is a registered nurse licensed in the state of Florida. She is the Director of Nursing at Lawnwood Regional Medical Center in Fort Pierce, Florida. Susan Luchka is a registered nurse licensed in the state of Florida. She is a nurse clinician in the Critical Care Division of Lawnwood.
2. Petitioners ask whether it is within the scope of practice for professional nurses as defined in Section 464.003(3), Florida Statutes, to give analgesia via an intrapleural catheter.
3. Lawnwood Regional Medical Center has developed an intrapleural policy and procedure that sets forth the plan to provide pain relief for the postoperative patient by injecting local analgesia into the pleural space. The plan outlines that the surgeon shall order the local analgesia, specifying the amount, frequency, and method and shall administer the initial dose. The policy also provides for emergency protocol. The physician's and the registered nurse's responsibilities are set forth in the plan.
4. Lawnwood Regional Medical Center established a post-basic education program for certification, demonstration, and post-testing of the registered nurses who are to engage in this intrapleural catheter pain management. The Board reviewed the educational outline, professional bibliography, and post-test. A sample patient care plan and critical care quality improvement form were also reviewed.
5. This Petition was properly noticed by the Board in the Florida Administrative Weekly.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Section 120.565, Florida Statutes, and Chapter 28-4, Florida Administrative Code.

2. The Petition filed by Ms. Jenson and Ms. Luchka is in substantial compliance with the provisions of Section 120.565, Florida Statutes, and Rule 28-4.001, Florida Administrative Code. Petitioners have the requisite interest to maintain this proceeding.

3. Section 464.003(3)(a), Florida Statutes, in pertinent part reads:

(3)(a) "Practice of professional nursing" means the performance of those acts requiring substantial specialized knowledge, judgment and nursing skill based upon applied principles of psychological, biological, physical and social sciences which shall include, but not be limited to:

(1) The observation, assessment, nursing diagnosis, planning, intervention, and evaluation of care; health teaching and counseling of the ill, injured, or infirm; and the promotion of wellness, maintenance of health, and prevention of illness of others.

(2) The administration of medications and treatments as prescribed or authorized by the laws of this state to prescribe such" medications and treatments.

4. It is within the scope of practice under Section 464.003(a), Florida Statutes, for the registered nurse to give analgesia via an intrapleural catheter provided that the nurse has had appropriate training and validation of the education, that the facility establishes adequate protocols, and that the physician/nursing responsibilities have been adequately delineated.

5. Petitioners are notified they may appeal this Order by filing one copy of a Notice of Appeal with the Clerk of the Board, and by filing a filing fee and one copy of a Notice of Appeal to the District Court of Appeal within 30 days of the date this order is filed.

DONE and ORDERED this 24th day of June, 1992.

BETTY A. TAYLOR, R.N., M.S.N.
Chairman

CERTIFICATE OF SERVICE

* * *

DENNIS M. GRANT