

STATE OF FLORIDA
BOARD OF NURSING

FILED

FEB 27 1992

FLORIDA STATE
BOARD OF NURSING

IN RE: THE PETITION FOR DECLARATORY
STATEMENT OF:

CAROLYN CRAIG, L.P.N.
KELLY FLEISHMAN, L.P.N. AND
JOYCE STILES, L.P.N.
Case No.: BON-DS-91-04

FINAL ORDER

This matter came before the Board of Nursing pursuant to Section 120.565, Florida Statutes, and Rules 210-6.018 and 28-4.001-.007, Florida Administrative Code, on October 11, 1991, in Orlando, Florida, for the purpose of considering the Petition for Declaratory Statement filed by Carolyn Craig, Kelly Fleishman, and Joyce Stiles. Additional materials were requested and considered by the Board of Nursing at subsequent meetings on December 6, 1991, and February 14, 1992. Having considered the Petition and supporting documentation, course curricula, office protocols, pertinent status and rules, requests to "grandmother" petitioners, and testimony from petitioners and interested parties, the Board of Nursing makes the following factual findings and conclusions of law.

FINDINGS OF FACT

1. Carolyn Craig, Kelly Fleishman, and Joyce Stiles are licensed practical nurses in the State of Florida. They work in the dental office of Ronny S. Taschner, D.D.S. They ask whether they can administer local infiltration anesthesia to the soft

tissue of periodontal patients under a periodontist's direct supervision, specifically that of Dr. Taschner.

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

"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 a licensed dentist.

3. Practical nursing education programs in the State of Florida are subject to review and approval by the Board of Nursing. Section 464.019, Florida Statutes. The standard curricula for these programs are subject to Board approval and must meet the requirements of Rule 210-7.025(3), Florida Administrative Code. The training and education is for a considerably shorter duration than that for professional nurses with respect to the subjects covered and the clinical training. Because of inherent dangers in the use and administration of any anesthesia, the Board finds that practical nurses are not qualified by education and training to administer local anesthesia intra-orally. The Board declines to consider "grandmothering" petitioners to permit continued practice of the procedure they had performed for a period of time prior to filing this petition.

4. The Board further finds that as technology and training progress in the health care field, techniques which years before

may have been performed by a few specialists now may be handled by any number of practitioners in the health care professions at the present time. Nurses, including practical nurses, must continue their education through Board approved continuing education and frequently through employer education and training. At some future point, the standard of practice within the nursing community may have progressed to expect the licensed practical nurse, in some circumstances, to be qualified to administer local anesthesia within a dental setting.

CONCLUSIONS OF LAW

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

2. Petitioners Carolyn Craig, Kelly Fleishman, and Joyce Stiles have filed a Petition in compliance with Section 120.565, Florida Statutes, and Rule 28-4.001, Florida Administrative Code, and have established the requisite interest and standing to maintain this action.

3. Petitioners as licensed practical nurses may not administer local infiltration anesthesia to the soft tissue of periodontal patients under the scope of practice as licensed practical nurses under Section 464.003(3)(b), Florida Statutes.

4. 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 27th day of February,

1992.

BOARD OF NURSING

Betty Ann Taylor
Betty A. Taylor R.N., M.S.N.
Chairman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by certified mail to PATRICIA RENOVIK, Oertel, Hoffman, Fernandez & Cole, P.A., Counsel for Petitioners, Post Office Box 6507, Tallahassee, Florida 32314-6507, this 27th day of February, 1992.

R. M. Smith