

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION  
BOARD OF NURSING

IN RE: The Petition for Declaratory  
Statement of: DARLENE ADAMS, R.N.  
CASE NO. BON-DS 87-2

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 April 15, 1988 in Miami, Florida for the purpose of considering the Petition for Declaratory Statement filed by Darlene Adams (hereinafter Petitioner).<sup>1</sup> Petitioner was present. Having considered the petition and supporting documentation provided by Petitioner, and being otherwise fully advised in the premises, the Board makes the following finding and conclusions.

FINDINGS OF FACT

1. All Petitioners are registered nurses in the State of Florida employed at Jackson Memorial Hospital in Miami, Florida.
2. Petitioners are in doubt as to the scope of practice of a registered nurse with regard to monitoring the infusion of Marcaine<sup>2</sup> to patients in a hospital setting. Petitioners contend that the monitoring of Marcaine should fall within the scope of

<sup>1</sup> Owing to questions regarding the standing of Darlene Adams in her capacity as director of Risk Management, the following registered nurses also employed by Jackson Memorial joined in the petition: Daria Bernstein, RN; Lise Garlarneau, RN; Rupert French, RN; and Jacqueline Zych, RN.

<sup>2</sup> Marcaine or Marcaine Hydrochloride is a product of Winthrop-Breon Laboratories and is identified in the Physician's Desk Reference.

the administration of medications and treatments authorized or prescribed by a practitioner as defined within Section 464.003(3)(a). Petitioners assert that they would be responsible for the observing and monitoring only of the interscalene infusion of Marcaine; the anesthesia department within Jackson Memorial Hospital would remain responsible for the preparation and insertion of the Marcaine. Petitioners assert that registered nurses would monitor Marcaine infusions where protocols, guidelines, formal education and training permitted.

3. In their Petition for Declaratory Statement, Petitioners request the Board to answer substantially the following questions:

Whether the monitoring of Marcaine infusions falls within the scope of, "administration of medication and treatments as prescribed or authorized by a duly licensed practitioner," pursuant to Section 464.003(3)a, Florida Statutes.

4. The Petition was noticed by Board in the September 4, 1987 issue of the Florida Administrative Weekly, Vol. 13, No. 36, page 3334.

5. Jackson Memorial Hospital is a hospital which contains both a nursing department and a department of anesthesia. Included within Jackson Memorial are orthopedic and general surgery floors where patients are in need of continuous interscalene Marcaine infusion.

6. The procedure in question would be the continued observation and monitoring of patients receiving Marcaine infusion. Registered nurse would be responsible for this observation and monitoring of the infusion; the anesthesiology department within the hospital would be responsible for the preparation and insertion of the infusion.

#### 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 Petitioners is in substantial compliance with the provisions of Section 120.565, Florida Statutes, and Rule 28-4.001, Florida Administrative Code, and Petitioners have the requisite interest to maintain this proceeding. (See footnote 1)

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, 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. Any nurse is bound by her responsibility to practice within the scope of her abilities as well as the minimum standards of acceptable and prevailing nursing practice. See Section 464.018(1)(f), Florida Statutes.

5. It is the opinion of the Board that the procedure proposed by Petitioners, the monitoring of Marcaine 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 464.003, more specifically Section 464.003(3)(a)2, and upon the Board's understanding that registered nurses would be responsible for monitoring of Marcaine as a medication or treatment only, and would not be responsible for the preparation, mixing, placing, or insertion, of Marcaine as an anesthesia. It is also the opinion of the Board that hospitals wishing to utilize registered nurses to observe and monitor patients receiving Marcaine 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 Marcaine infusion.

WHEREFORE, it is ORDERED that is proposed by Petitioner, the observation and monitoring of hospital patients receiving Marcaine infusions for purposes other than anesthesia is within the scope of practice of a registered professional nurse. Each hospital is responsible for appropriate protocols, guidelines, and training prior to utilizing registered nurses for this procedure.

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 to the District Court of Appeal within 30 days of this order is filed.

DONE and ORDERED this 21 day of July, 1988.

  
JEANNE STARK, CHAIRMAN  
FLORIDA BOARD OF NURSING

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been sent to Ms. Darlene Adams, R.N., Loss Prevention Coordinator, Risk Management, Jackson Memorial Hospital, 1611 N.W. 12th Avenue, Miami, Florida 33136 this 21 day of July, 1988.





FILED

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FLORIDA STATE  
BOARD OF NURSING