

FILED

DEC 26 1990

FLORIDA BOARD OF NURSING

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF NURSING

IN RE: THE PETITION FOR
DECLARATORY STATEMENT OF:

ELIZABETH AHO, R.N.
CASE NO.: BON-DS-90-1

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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been furnished by certified mail to Elizabeth Aho, R.N., Women and Children's Services, Lee Memorial Hospital, Post Office Drawer 2218, Fort Myers, Florida 33902-2218, this 26th day of December, 1990.

Judie K. Ritter
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.

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA