

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION  
BOARD OF NURSING

IN RE:           The Petition for Declaratory  
                  Statement of:  
                  IRIS HELMUTH, R.N.

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 October 21, 1988 in Tallahassee, Florida for the purpose of considering the Petition for Declaratory Statement filed by Iris Helmuth (hereinafter Petitioner). Petitioner was not present. Having considered the Petition and supporting documentation provided by Petitioner, and being otherwise fully advised in the premises, the Board makes the following findings and conclusions:

FINDINGS OF FACT

1. Petitioner is a registered nurse in the State of Florida, employed by Sarasota Memorial Hospital, Sarasota, Florida.
2. Petitioner is in doubt as to whether a registered nurse may increase the rate of an infusing epidural anesthesia solution

under the general direction of a anesthesiologist within the 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 authorized a registered nurse in a hospital to increase the rate of an infusing epidural anesthesia solution under the general direction of an anesthesiologist?

4. The Petition was noticed by the Board in the October 21, 1988 issue of the Florida Administrative Weekly.

5. Petitioner, as head nurse of Obstetrical Services at Sarasota Memorial Hospital, in Sarasota, Florida asserts that the registered nurses at that hospital are providing patient care in the labor and delivery area including monitoring patients who are on continuous epidural anesthesia drips during labor and asserts further that nurses are being asked by the anesthesiologists to increase the anesthesia drip rate in response to patient's complaint that anesthesia is not being maintained by the amount of medication being provided through the epidural drip at that time. Petitioner notes that an anesthesiologist would not be in the immediate proximity at the time the drip rate would be increased, but would be in the general area.

6. Petitioner points out that currently she and her staff have declined to assume the responsibility of increasing the drip rate on continuous epidural anesthesia patients in labor and delivery pending the interpretation from this Board.

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 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 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, 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 an epidural anesthesia is a medication or treatment within the context of Section 464.003(3)(a)2. The Board understands that the anesthesia in question is a regional anesthetic agent and as such is 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.

5. The Board is of the opinion that it is beyond the scope of a registered nurse to alter the rate of a regional-anesthetic agent being received by a patient in the labor and delivery section of the hospital.

WHEREFORE it is therefore ORDERED that because continuous epidural anesthesia drips during labor and delivery is a regional anesthesia agent and as such is not within the Board's understanding of the meaning terms "medications and treatments," contained within Section 464.003(3)(a)2, Florida Statutes, it is beyond the scope of a registered nurse to alter the rate of a regional anesthesia agent being received by patients in the labor and delivery section of Sarasota Memorial Hospital.

Petitioner is hereby notified 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 6 day of January, 1989.

Jeanne Stark  
JEANNE STARK, R.N., 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 Iris Helmuth, R.N., Manager/Head Nurse of Obstetrical Services, Sarasota Memorial Hospital, 1700 South Tamiami Trail, Sarasota, Florida 34239-3555 this 6 day of January, 1989.

Judith Ritter

wp/HelmuthI

**FILED**

JAN 06 1989

FLORIDA STATE  
BOARD OF NURSING