

4
APR 13 1993

RE: THE PETITION FOR DECLARATORY
STATEMENT OF:

FLORIDA STATE
BOARD OF NURSING

IRIS HELMUTH, RN,
CASE NO.: BON-DS-94-02

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 8, 1994, in Tampa, Florida, for the purpose of considering the Petition for Declaratory Statement filed by Iris Helmuth. Having considered the petition, the supporting documentation provided by Petitioner and the recommendation of the Nursing Practice Committee, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. Iris Helmuth is a registered nurse licensed in the state of Florida. She is the Head Nurse of Obstetrical Services at Sarasota Memorial Hospital.

2. Petitioner asks whether it is within the scope of practice for professional nurses as defined in Section 464.003(3), Florida Statutes, to determine amniotic fluid indices [AFI] provided the nurses have specific institutional training for this procedure.

3. Sarasota Memorial Hospital has developed a course based on standards from the Association of Women's Health, Obstetric

and Neonatal Nurses [AWHONN] on Limited Ultrasound Examinations in Obstetric and Gynecologic/Infertility Settings. Registered nurses must complete the hospital training prior to conducting an AFI assessment.

4. The facility has further developed policies and procedures and protocols for such assessments by the properly trained registered nurses in the Obstetrical Services unit. Such AFI assessment shall be ordered by the physician director of Maternal/Fetal Medicine to determine fetal well-being/compromise in outpatient testing of pregnant women. Should the assessment indicate an abnormal amniotic fluid volume, the patient shall be referred back to the physician for other diagnostic confirmatory tests.

5. The AFI assessment uses an ultrasound to identify and measure four pockets of amniotic fluid. Because it is a non-invasive test, the possibility of injury to a patient is essentially nonexistent.

6. 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. Helmuth is in substantial compliance with the provisions of Section 120.565, Florida Statutes, and Rule 28-4.001, Florida Administrative Code. Petitioner has 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 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(3)(a), Florida Statutes, for the registered nurse to conduct amniotic fluid indices assessment by use of ultrasound provided that the nurse has had the appropriate AWHONN Guideline training and validation of the education, that the facility establishes adequate protocols, and that the physician/nursing responsibilities have been adequately delineated.

5. Petitioner is notified she may appeal this Order by filing one copy of a Notice of Appeal with the Clerk of the Board, and by filing a 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 13th day of April,
1994.

Betty Ann Taylor
BETTY TAYLOR, RN MSN
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent by certified mail to IRIS HELMUTH, RN, Sarasota Memorial Hospital, 1700 S. Tamiami Trail, Sarasota, Florida 34239, this 13th day of April, 1994.

Judith L. Pitter