

STATE OF FLORIDA  
BOARD OF NURSING

**FILED**

SEP 22 1993

FLORIDA STATE  
BOARD OF NURSING

RE: THE PETITION FOR DECLARATORY  
STATEMENT OF:

KATHLEEN HERIG, R.N.,  
CASE NO.: BON-DS-93-06

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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 June 11, 1993, in Jacksonville, Florida, for the purpose of considering the Petition for Declaratory Statement filed by Kathleen Herig. Having considered the petition and the supporting documentation provided by Petitioner the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. Kathleen Herig is a registered nurse licensed in the state of Florida. She works as a staff member in a free-standing outpatient cardiac rehabilitation program.
2. She asks whether it is within the scope of practice for a professional nurse as defined in Section 464.003(3), Florida Statutes, to take orders from a physician out of state for medical treatment of a patient.
3. The patients in her facility do not always have a local physician. In a cardiac rehabilitation program, patients should be expected to be at risk for arrythimias, blood pressure problems, and medication related problems associated with exercise.

4. 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:

\* \* \*

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.

5. The petition was properly noticed 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. Herig is in substantial compliance with the provisions of Section 120.565, Florida Statutes, and Rule 28-4.001, Florida Administrative Code. She has the requisite interest to maintain this proceeding.

3. It is the opinion of the Board of Nursing that registered professional nurses must take orders for treatment of patients from physicians licensed in this state. It is not appropriate for them to take orders from physicians not properly licensed by Florida.

4. Petitioner may appeal this Order by filing one copy of a Notice of Appeal with the Clerk of the Board, and by filing a fee

Done and ordered this 22nd day of September,

1993.

BOARD OF NURSING

*Betty Ann Taylor, R.N.*

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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 KATHLEEN HERIG, R.N., 1268 NW 13th Avenue, Boynton Beach, FL 33426, this 22nd day of September, 1993.

*Dennis M. Grant*  
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Dennis M. Grant  
Alternate Records Custodian