

FILED

DEC 23 1990

FLORIDA BOARD OF NURSING

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF NURSING

IN RE: THE PETITION FOR
DECLARATORY STATEMENT OF:

MARTINA POHL, R.N.
CASE NO.: BON-DS-90-4

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 Martina Pohl. 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, and is the nursing quality assurance administrator of New England Critical Care, Inc.
2. Petitioner asks whether it is within the scope of practice for professional nurses as defined in Section 464.003(3)(a)2, Florida Statutes, to administer low dose anesthetic agents or to instruct patient or family members to use a continuous infusion pump. This petition was noticed by the Board in the March 2, 1990, issue of the Florida Administrative Weekly, Volume 16, No. 9 at page 1049.

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.

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. Initially, the Board has considered whether an epidural or intrapleural anesthesia is a medication or treatment within the context of Section 464.003(3)(a)2. The Board understands that certain anesthetics are regional anesthetic agents and as such are 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. Therefore it is not appropriate for R.N.s to administer anesthetic agents.

Petitioner is notified that she may appeal this order by filing one copy of the Notice of Appeal to the Clerk fo 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, 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 Martina Pohl, R.N., MPA, Nursing Quality Assurance Administration, New England Critical Care, Inc., 165 Forest Street, Marlborough, MA 01752, this 26th day of December, 1990.



JODIE K. RITTER
EXECUTIVE DIRECTOR