

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION  
BOARD OF NURSING

IN RE:           The Petition for  
                  Declaratory Statement of:

NANCY A. FORMELLA, R.N.

BON-DS-88-3

FINAL ORDER

This matter came before the Board of Nursing pursuant to Section 120.565, Florida Statutes and Rule 28-4, Florida Administrative Code on December 9, 1988 in Jacksonville, Florida for the purpose of considering the petition for declaratory statement filed by NANCY A. FORMELLA, (hereinafter Petitioner). Petitioner was 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 St. Luke's Hospital, Jacksonville, Florida.
2. Petitioner is in doubt as to whether, in her position as a supervisor of registered nurses in St. Luke's Hospital, registered nurses may assist in a procedure known as percutaneous endoscopic gastrostomy within a 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 authorize a registered nurse to assist a physician in the above referenced procedure?

4. The Petition was noticed by the Board in the Florida Administrative Weekly in Vol. 14, No. 23 at page 2151 on June 10, 1988.

5. Petitioner, as supervisor of registered nurses at St. Luke's Hospital in Jacksonville, Florida, asserts that the registered nurses at that hospital are being requested by the physician to assist in percutaneous endoscopic gastrostomies by making a 5 mm incision through the locally anesthetized skin into the stomach of a surgical patient at the exact place on the skin that the physician specifies. The purpose of the registered nurse assisting the physician in this procedure is that the physician is directing the endoscope into the patient's stomach. Petitioner asserts further that she believes that registered nurses are presently engaged in this practice in other GI labs in the Jacksonville area and that to her understanding, there have been no complications and situations in which nurses have assisted in this procedure.

6. Petitioner further asserts that it would be her desire to develop appropriate policies and procedures outlining the assistance of registered nurses in the above described procedure so that formal documented inservice education would be relied upon to prepare registered nurses to perform this procedure.

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 Rule 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 Chapter 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:

"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 the procedure described by Petitioner is a medication or treatment within the context of Section 464.003(3)(a)2. The Board concludes that the procedure in question is neither a medication nor a treatment but is surgical in nature 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 because the procedure in question is neither a medication nor a treatment as contemplated by Section 464.003(3)(a)2, Florida Statutes, but is surgical in nature, that it is beyond the scope of practice of a registered nurse.

WHEREFORE, it is therefore ordered that because a percutaneous endoscopic gastrostomy is neither a medication nor a treatment, but is surgical in nature, it is beyond the scope of a registered nurse to assist in such procedure.

Petitioner is hereby 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 to the District of Appeal within 30 days of the date this order is filed.

DONE and ORDERED this 2 day of March, 1989.

BOARD OF NURSING

Jeanne Stark  
JEANNE STARK, RN,  
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing order has been sent to NANCY A. FORMELLA, R.N., St. Luke's Hospital, Nursing Administration, 4201 Belfort Road, Jacksonville, Florida 32216 this 2 day of March, 1989.

Judie K. Ritter

*JGR*

**FILED**

**MAR 02 1989**

**FLORIDA STATE  
BOARD OF NURSING**